

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CM No.6114-CII of 2022 and
CM No.6116-CII of 2022 in/and
CR No.1513 of 2022
Date of Decision: 23.05.2022**

Tarsem Lal (since deceased) through his LRs

.....Revisionists-petitioners.

Versus

Gurdial Chand

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Rishi Kaushal, Advocate
 for the applicants-revisionists-petitioners.

MEENAKSHI I. MEHTA, J.(Oral)

CM No.6116-CII of 2022

This application has been moved on behalf of the applicants-LRs of the petitioner for seeking preponement of the date of hearing in the main petition bearing **CR No.1513 of 2022** from 08.07.2022 to some earlier date.

Heard.

Keeping in view the reasons as mentioned in this application, the same is allowed and the above-said revision-petition is taken on the Board today itself.

CM No.6114-CII of 2022

The instant application has been moved for seeking permission to place the affidavit of the applicant-LR of the petitioner, on

the record as Annexure A-1 in compliance of the order passed by this Court on 29.04.2022.

Heard.

The application in hand is allowed and the above-said affidavit is taken on the record as Annexure A-1.

CR No.1513 of 2022

The petitioners (LRs of the defendant) have laid challenge to the orders dated 21.01.2022 and 23.03.2022 (Annexures P-5 and P-6 respectively) passed by learned Civil Judge (Junior Division), Dasuya (for short, 'the Executing Court') in the Execution Application No.EXE/130/2019.

The respondent-plaintiff (for short, 'the plaintiff') filed a civil suit against petitioner-defendant Tarsem Lal (since deceased and now represented through his LRs) (for short, 'the LRs of the defendant') for seeking the decree for possession of the suit property and vide the judgment and decree passed by learned Civil Judge (Junior Division), Dasuya, the suit was decreed and the LRs of the defendant were directed to hand-over the vacant possession of the said property to the plaintiff within the period of two (02) months.

Vide impugned order Annexure P-5, the objections preferred by the LRs of the defendant/Judgment-Debtor in the above-said execution application, have been dismissed and vide impugned order Annexure P-6, the warrant of possession qua the suit property has been ordered to be issued with permission to break-open the lock thereof.

It is worth-while to mention here that the Executing Court, in para No.5 of impugned order Annexure P-5, has categorically mentioned that it had been contended on behalf of the Judgment-Debtors, i.e the LRs of the defendant, that an appeal against the afore-said judgment and decree was pending but in her affidavit Annexure A-1, one of the LRs of the defendant named Bandana, has specifically deposed that no appeal has been preferred against the above-said judgment and decree. Thus, it is explicit that the LRs of the defendant have not come to the Court with clean hands and that the said judgment and decree have gained finality.

As a sequel to the fore-going discussion, it follows that the impugned orders do not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court.

Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

May 23, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*