

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

116

**CR-2162 of 2020 (O&M)
Date of Order: 29.04.2022**

Darshan Singh

..Petitioner

Versus

Ajmer Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akhil Kashyap, Advocate, for
Mr. Parveen K. Kataria, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The Executing Court has dismissed the execution petition after noticing that the subsequent suit filed by the Decree Holder has been dismissed on 03.01.2018 and he concealed the aforesaid fact while filing the aforesaid petition.

Some facts are required to be noticed.

There is an ex-parte decree in favour of the petitioner to the effect that the plaintiff is in peaceful possession and the defendants are restrained from making any drain through the plot and further restrained from throwing dirty water.

The petitioner filed execution petition on 22.11.2016 without disclosing that his subsequent suit filed on 12.03.2014 has been dismissed on 03.01.2018. The subsequent suit is also with respect to the same property.

The petitioner now alleges that the children of Judgment Debtor are throwing dirty water and have threatened to install a gate.

The Executing Court on appreciation of evidence has dismissed the execution petition while taking a serious note of the concealment of fact. The Court also observed that the Decree Holder failed to prove that the legal representatives of Judgment Debtor have violated the decree.

This Bench has heard the learned counsel representing the petitioner and with his able assistance perused the paper book.

In the considered opinion of the Court, the petitioner has failed to make out a case for interference in exercise of revisional jurisdiction.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

April 29, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No