

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2480 of 2020

Date of Decision: 31.05.2022

Bhagwan Chand (Died) through his legal heir

... Petitioner(s)

Versus

Chaman Lal (Died) through his legal heirs and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sumeet Jain, Advocate
for the petitioner(s).

Mr. Vaibhav Sehgal, Advocate
for the LR's of respondent No.1.

Anil Kshetarpal, J.

1. The judgment debtor, after having failed to implement the judgment and decree passed against him, has filed the present revision petition.

2. The learned counsel representing the petitioner contends that the decree, which has been passed, is in the nature of mandatory injunction, therefore, the limitation for filing the execution petition is three years. He draws the attention of the Court to page 27 of the paper-book wherein the claim made in the suit, which was decreed, has been reproduced. The same reads as under:-

“CLAIM: Suit for permanent injunction to the effect that the defendants may be ordered to close two doors, two ventilators and a drain the all marked AD opening towards the site marked ABCD shown red in the site plan attached, owned and

possessed by the plaintiff South Gali, East remaining house of the plaintiff. West-House of Bhagwan Chand situated in Mohalla Saggian Nurmahal, Teh. Phillaur and not to commit such act in future”.

3. Per contra, the learned counsel representing the decree holders has submitted that the petitioner, during the pendency of the suit, opened two doors, two ventilators and a drain, which forced the trial Court to mould the relief.

4. Once the trial Court has decreed the suit for grant of permanent injunction, may it be in the form of a direction, the nature of the decree passed by the Court will remain the same. These aspects have already been considered, in detail, by both the Courts below. Furthermore, as per Article 136 of the Schedule attached to the Limitation Act, 1963, to implement a decree for perpetual injunction, no limitation has been provided.

5. Keeping in view the aforesaid facts, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

May 31, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No