

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CR No. 4679 of 2022
Date of Decision : 21.10.2022

Anukampa

..... Petitioner

Versus

Ram Gopal and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present : Mr. Sanjay Jain, Advocate, for the petitioner

TRIBHUVAN DAHIYA, J.

1. This petition has been filed under Article 227 of the Constitution of India for setting aside the judgment dated 27.9.2022 (Annexure P-1) passed by the lower Appellate Court, and order dated 18.5.2022 (Annexure P-2) passed by the Executing Court. By these impugned judgment/orders, objections filed by the petitioner/Judgment Debtor to the execution application, have been dismissed.

2. A perusal of the judgment dated 27.9.2022 shows that the decree sought to be executed was passed on 18.12.2018. The objection taken to execution of the decree by the petitioner/judgment debtor is that the property in question is ancestral in nature, in which she has a right of inheritance by birth. It has been observed by the Courts below that in the written statement filed by the petitioner in the suit on 1.11.2014, it has not been alleged that the suit property is ancestral property in the hands of defendant Shamsher Singh. That being deposition the objection to execution of the decree on that ground cannot be entertained. She is, therefore, estopped from taking any such plea before the

Executing Court. Besides, entertaining such an objection will amount to to re-trial of the suit, which is not permissible as the Executing Court is not to go behind the decree.

3. In view of the aforesaid, there is no ground to interfere with the impugned judgment and order passed by the Courts below.

4. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

21.10.2022
Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No