

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

CR No.5320 of 2022 (O&M)

Date of Decision: 18.11.2022

Rajinder

.....Revisionist-Petitioner.

Versus

Anil Kumar

.....Respondent.

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

Present:- Mr. Krishan Kanha, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

The petitioner-Judgement Debtor (for short, 'the JD') herein has assailed the order dated 04.04.2022 passed by learned Civil Judge (Junior Division), Amritsar (for short, 'the Executing Court') whereby the objections (Annexure P-12) filed by him (the JD) qua the correctness of the site plan of the demised premises (Annexure P-11), as sought by the respondent-Decree Holder (for short, 'the DH') to be placed on record by way of moving application Annexure P-10, have been dismissed.

2. I have heard learned counsel for the petitioner-JD, at the preliminary stage, in the present petition and have also perused the file carefully.

3. Learned counsel for the petitioner-JD contends that in para No.2 of the Rent Petition (Annexure P-1), the DH had mentioned the area of the demised premises as 02 (two) Marlas whereas in the site plan Annexure P-11, the said area is shown to be 50 square yards, which, in fact,

comes out to be 1.65 Marla only and thus, the description of the dimensions of the said premises, as detailed in site plan Annexure P-11, are not correct but vide the impugned order, the Executing Court has wrongly dismissed the objections preferred by the JD in this regard and hence, the said order deserves to be set-aside.

4. However, I do not find the afore-raised contention to be tenable because in Para No.2 in the Rent Petition (Annexure P-1), the petitioner has given the details of the demised premises and in the corresponding para of his written reply, the JD has not denied the same and in Para No.4 in the impugned order, the Executing Court has also specifically observed that it was evident from the ejectment order dated 13.02.2020 that the JD had admitted his possession over the said premises. In such circumstances, it does not lie in the mouth of the JD to raise any objection qua the correctness of the said site plan at this stage.

5. As a sequel to the fore-going discussion, it follows that the impugned order does 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.

November 18, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>