

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 240 of 2020 (O&M)

Date of Decision: 13.09.2022

Sukhwinder Singh

... Petitioner(s)

Versus

Seema Gupta and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Harminder Singh, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Sirphikhi, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. There is a decree for possession by way of specific performance of the agreement to sell in favour of the petitioner herein. The aforesaid judgment and decree has been upheld upto the High court. In the execution petition, the Executing Court has issued the warrants of possession. While filing the suit, the plaintiff has not only disclosed that the land is comprised in rectangle No. 36 and khasra No. 5/1 and 5/2, but also disclosed its dimensions as well as identified the suit property by giving details of the properties located on all the four directions.

2. The court official reported that a revenue official be appointed because there is some dispute with regard to the identity of the suit property. The respondent No.1 has filed an application to that effect, however, the same was dismissed. Subsequently, in the objection petition filed by the

respondent No.1, the trial Court has directed the framing of the issues.

3. The respondent No.1 claims that as per the direction given in the decree, the suit property falls in rectangle No. 36 and khasra No.5/3 and not in rectangle No. 36 and khasra No.5/1 and 5/2.

4. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

5. On the one hand, the decree holder is entitled to possession of the land in accordance with the decree, whereas, on the other hand, the respondent No.1 claims that the identity of the property is doubtful. In such circumstances, it is considered appropriate to direct the trial Court to depute two senior revenue officials to visit the site, in the presence of the parties, within a period of one month from today, in order to resolve the controversy.

6. This order has been passed with the consent of the learned counsel for the parties. After the receipt of a report, the trial Court will pass an appropriate order, in accordance with law.

7. With the observations made above, the present revision petition is disposed of. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

September 13, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No