

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-16417 of 2018(O&M)
Date of decision: 27.07.2022

Om Parkash and others

..Petitioners

Versus

Sehaj Ram and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.R.Hooda, Advocate
for the petitioners.

Mr. Prafful Rana, Advocate,
for respondent no.1 to 8.

ANIL KSHETARPAL, J(Oral)

The Judgment Debtor's objections against the execution of a decree for mandatory injunction have been dismissed by the Executing Court. The petitioners assail its correctness.

The learned counsel representing the petitioners submits that there were two suits but the petitioners were not party to the subsequent suit. Hence, the decree passed on 27.01.2017 is not binding on them.

The attention of the learned counsel has been drawn to para 1 of the judgment dated 27.01.2017, which reads as under:-

“Plaintiff initially filed the present suit seeking a relief of permanent injunction restraining the defendants from encroaching over the suit land by raising construction. Later the same was amended to suit for mandatory injunction as during the pendency of the present suit, the defendants encroached over the land belonging to the

plaintiffs.”

Despite reading the same, he insists upon his argument.

The learned counsel representing the petitioners has failed to draw the attention of the court to two separate decrees dated 01.04.2010 and 27.01.2017, passed in two separate suits. The suit in which the petitioners were party-defendants was decreed while directing them to remove the encroachment belonging to the plaintiffs.

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

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

July 27th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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