

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

156

CR-5869-2022

Date of decision: 19.12.2022

KRISHAN KUMAR PATHAK

..Petitioner

Versus

HARBANS LAL JUNEJA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Rana, Advocate
for the petitioner.

Mr. Harsh Vardhan, AAG, Haryana
Mr. J.S. Pannu, AAG, Haryana
for respondent No.5.

ANIL KSHETARPAL, J(Oral)

The prayer is to set aside the order dated 17.11.2022 passed by the Executing Court while dismissing the petitioner's objection petition. A judgment and decree for mandatory injunction was passed on 16.01.2019. On reading of the judgment, it is evident that the suit was defended on the ground that an old temple exists on the property. The Court found that under the garb of the said temple, the area of public street has been encroached upon. Thus, the Court passed decree directing the defendants to remove the said construction and a *Bargad* tree, if it existed on the area in dispute. The petitioner appeared as a witness in the suit. After the judgment and decree had become final the petitioner filed the third party injunction, which has been dismissed by the trial Court.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

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

December 19th, 2022

(ANIL KSHETARPAL)

Ay

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*