

111

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5902-2022

DATE OF ORDER: 21.12.2022

Suraj Bhan

.....Petitioner

Vs.

Satbir Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

Nidhi Gupta, J.

This Revision Petition has been filed seeking setting aside of impugned order dated 18.08.2022 passed by learned Additional District Judge, Charkhi Dadri in Civil Appeal No.617 of 2014; and judgment dated 05.03.2013 passed by learned Additional Civil Judge (Senior Division), Charkhi Dadri in Execution Petition No.92-10 of 2009 titled as "Shri Suraj Bhan Vs. Shri Satbir Singh and others" vide which orders the appeal as well as execution petition of the petitioner have been dismissed respectively.

Brief facts of the case are that the petitioner had filed a Civil Suit No.515 of 1979 which was decided vide judgment and decree dated 07.05.1981 on basis of compromise deed Ex.CX. The petitioner/decreed holder is seeking execution of said compromise decree dated 07.05.1981.

It is submitted on behalf of the petitioner that on

18.11.2009, legal heirs of respondent-judgment debtor had violated the

terms of the compromise deed Exhibit CX and illegal construction in form of a room had been raised by them which was against the judgment and decree of the Court and created hindrance to the petitioner in use of the suit property. It is submitted further by learned counsel that the trial Court has dismissed the execution application of the petitioner only on grounds of limitation and as per Article 132 of the Limitation Act, 1963 to implement a decree for perpetual injunction, no limitation has been provided. Learned counsel relies upon judgment of this Court in **CR-2480 of 2020** titled as **“Bhagwan Chand (Died) through his legal heir Vs. Chaman Lal (Died) through his legal heirs and Others”**.

I have heard learned counsel for the petitioner and perused the record.

A perusal of the record reveals that the petitioner/decreed holder had previously also filed execution which had been dismissed as being fully satisfied. This fact is accepted by Learned counsel.

Further, no demarcation report has been produced by the petitioner to prove that the respondents have encroached on *Shamlat* land beyond the compromise deed Exhibit CX. Learned counsel is further unable to controvert the fact that the petitioner has also encroached beyond the suit land inasmuch as he has also built a *chabootra* which is in violation of the judgment and decree. It is also undisputed that DHW1-Jagbir Singh Taxak, Draftsman has stated during cross-examination that the petitioner has encroached upon land of Gram Panchayat. In fact, on the last

date of hearing, petitioner had sought time to place on record testimony of DHW1-Jagbir Singh Taxak and the petitioner now admits that it has been so stated by said witness in cross-examination that petitioner/deGREE holder has also encroached upon land of Gram Panchayat.

Accordingly, no ground is made out to interfere in the impugned orders. Revision Petition is hereby dismissed.

21.12.2022
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No