

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 1266 of 2017****Date of Decision: 28.11.2023**

Hassan Mohammad

... Petitioner(s)

Versus

Ramjan

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Ashish Gupta, Advocate
for the petitioner(s).Mr. Mudit Johar, Advocate
for Mr. Abhimanyu Singh, Advocate
for the respondent.**Anil Kshetarpal, J.**

1. The petitioner herein assails the judgment and decree passed in favour of the respondent, namely Ramjan. As per the judgment and decree, the petitioner was restrained from interfering in the possession of the decree holder and restrained him from raising any construction. The decree holder filed an application under Order XXI Rule 32 of the Code of Civil Procedure (hereinafter referred to as “CPC”) complaining that he has been forcibly dispossessed by the petitioner after the decree was passed. The petitioner has filed the objection petition which was dismissed by the Executing Court.

2. The correctness of the aforesaid order has been challenged in this revision petition. The learned counsel representing the petitioner contends that the decree holder has failed to disclose the date, time and any other particulars to prove willful violation of the decree. The learned counsel

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submits that in the absence thereof, the Court has erred in granting police help to the decree holder.

3. This Court has considered the submissions of the learned counsel representing the parties. While filing the execution petition, the respondent has stated as under:-

“2. That despite the judgment, the respondent succeeded in dispossessing the plaintiff from the suit land without adopting any procedure of law and only against the law and on basis of muscle powers.

3. That the petitioner asked and requested to the respondent to execute and deliver the possession of the suit land to the petitioner but the respondent has not paid any heed to the genuine request of the petitioner and he is lingering the matter on one pretext on the other. Hence, this execution.”

4. It is the specific case of the decree holder that he has been dispossessed by the petitioner after the decree was passed in his favour. Hence, the respondent has already alleged that in willful violation of the decree, he has been dispossessed by the petitioner. It is not always necessary to give the exact time when the decree holder was dispossessed.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

November 28, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No