

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.365 of 2023 (O&M)

Date of Order:21.09.2023

Sheela

.Petitioner

Versus

Nand Kishore and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Rajesh Arora, Advocate
for the petitioner.**

**Mr. Vishal Garg Narwana, Advocate and
Mr. Sagar Sharma, Advocate
for the respondents.**

ANIL KSHETARPAL, J

1. The correctness of the order passed by the Executing Court on 23.01.2019 has been assailed in this revision petition.
2. The petitioner herein is Judgment Debtor No.1. The civil suit filed for grant of the decree of declaration with a consequential relief of permanent injunction was decreed on 28.02.2012, which in appeal was affirmed by the First Appellate Court. In substance, the civil court declared that the order of partition of the non-agricultural land which is under the residential houses constructed by various persons is without jurisdiction.
3. The execution petition has been filed with a prayer to direct the revenue officials to incorporate the decree passed by the civil court which has become final. The petitioner claims that the judgment and decree passed by the civil court is liable to be ignored as all the co-sharers were not impleaded as a party.
4. This court has considered the submissions of the learned

counsel representing the petitioner.

5. The decree passed by the court of competent jurisdiction has attained finality. The Executing Court cannot be go behind the decree unless the same is passed without jurisdiction or there are other patent reasons justifying such order. In the present case, it has been found that the substantial part of the land is covered by the residential houses which is corroborated by the revenue record.

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

7. Dismissed.

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

September 21, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO