

In the High Court of Punjab and Haryana at Chandigarh

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CR-982-2023 (O & M)

Date of Decision: February 13, 2023

MUKHTIAR SINGH AND OTHERS

.....PETITIONERS

VERSUS

ANOOP KAUR AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.U.K. Kanwar, Advocate
for the petitioners.

ANUPINDER SINGH GREWAL, J (ORAL)

Learned counsel for the petitioners submits that the Executing Court has erroneously dismissed their objections, although the petitioners/defendants are in possession of 30 kanals 16 marlas of land which had devolved on them by way of succession and this land has erroneously been included in the decree passed in favour of respondents/plaintiffs.

Heard.

The suit preferred by the respondents-plaintiffs for declaration to the fact that they are the owners of the suit land had been decreed in their favour. The first appeal thereagainst as well as regular second appeal had been dismissed. The decree has attained finality wherein it has been held that the respondents/plaintiffs are owners of land comprising khasra Nos.14/22 (2-16), 24 (8-0), 25 (8-0), 16//7(8-0), 14//12 (4-16), 14//19 (2-13), 16//5 (8-0), 14 (8-0), 22 (8-0), 17//1 (8-0), 2 (8-0), 9 (8-0), 10 (8-0), 16//1 (2-8), 3 (8-0), 17 (8-0), 8 (8-0), 29//1 (8-0), 13//10 (8-0), 30//14 (8-0), 29//2 (8-0), 30//15 (8-0), 16 min

(7-0), 30//16 min (1-0), 61//11 (8-0), 20 (8-0), 21 (8-0), 62//13/2 (5-16), 14 (8-0), 15 (8-0), 16 (8-0), 17 (8-0). The objections were raised by the petitioners/defendants with regard to Khasra Nos.61//11 (8-0), 20 (8-0), 21 (8-0), 62//13/2 (5-16), 14 (8-0), 15 (8-0), 16 (8-0), 17 (8-0) before the Executing Court although they are part of the decree which has attained finality. It is too late in the day for the petitioners to argue that the land comprising aforementioned khasra numbers had been wrongly included in the decree. The decree has attained finality and the Executing Court cannot go beyond the decree. Therefore, I am in agreement with the impugned order passed by the Executing Court dismissing the objection of the petitioners/JDs.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

February 13, 2023

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No