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

**CR-2992-2019 (O&M)
Reserved on : 03.02.2023
Date of Decision : 14.02.2023**

Sarwan Singh and Others

....Petitioners

VERSUS

Gram Panchayat, Panjokhra and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. H.S. Dhandi, Advocate for the petitioners.

ALKA SARIN, J.

The present revision petition has been filed challenging the impugned order dated 09.01.2019 (Annexure P-7) passed by the Executing Court whereby the application filed by the petitioners herein for attachment of properties of the respondents and for their detention in civil prison for willfully disobeying the decree of permanent injunction dated 04.05.2007 passed in Civil Suit No.153 of 01.07.1996, has been dismissed.

Learned counsel for the petitioners would contend that the respondents were willfully disobeying the judgment and decree dated 04.05.2007 and further that the respondents were illegally interfering in the peaceful possession of the petitioners by constructing a *nala* in the suit property.

Heard.

In the present case the petitioners herein had approached the Executing Court by filing an application under Order 21 Rule 32 read with Section 151 CPC for attachment of the properties of the respondents and for their detention in civil prison for willfully disobeying the decree of permanent injunction dated 04.05.2007 passed on Civil Suit No.153 of 01.07.1996. Interestingly, the suit was filed and the judgment and decree dated 04.05.2007 was passed against the Gram Panchayat, Kuldeep Singh and Karnail Singh. In the present application various other individuals who were not parties to the suit have been impleaded as parties. Learned counsel for the petitioners has not been able to convince this Court as to how the individuals who were not even parties to the civil suit have been impleaded in the application under Order 21 Rule 32 CPC. It has further been noticed by the Court that one of the original defendant - Kuldeep Singh - against whom the judgment and decree dated 04.05.2007 was passed and against whom allegations of interference have been made, has not even been impleaded as a party. Further, the sole reliance by the petitioners is on a site plan to prove the alleged encroachment. Besides the petitioners, no other witness has been examined to prove the alleged encroachment. The site plan in the suit, which was decreed, shows a pond whereas Ex.P2 tendered in the present execution petition does not show the pond. There seems to be certain differences in the site plan (Ex.P1) produced in the suit and the site plan (Ex.P2) produced before the Executing Court. Learned counsel has not been able to explain the discrepancy in the two site plans nor is there any reason forthcoming for impleading parties in the execution application who were not even parties in the civil suit.

In view of the above, I do not find any illegality or infirmity in the impugned order (Annexure P-7) passed by the Executing Court. The present revision petition, which is wholly devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

Dismissed.

14.02.2023

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO