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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:-17.4.2023

Sukhwinder Singh and another

...Petitioners

Versus

Khem Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.N.S. Diwana, Advocate
for the petitioners.

H.S. MADAAN, J.

1. Under challenge in this revision petition are three orders passed by the Executing Court. The aggrieved persons in this case are JDs No.1 to 3.

2. In terms of the first order dated 29.11.2022, the Executing Court of Additional Civil Judge(Sr.Divn.), SAS Nagar(Mohali) for the purpose of issuing warrants of possession of Plot No.20 had appointed Kanugo as Local Commissioner to carry out the demarcation in presence of both the parties and then to submit his report.

3. No fault can be found with such order passed by the Executing Court to execute a decree for possession passed by the trial

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Court way-back on 4.8.2014, which was affirmed by District Court vide judgment and decree dated 9.8.2016. It may be mentioned here that no objections had been filed on behalf of the respondents/JDs in the execution proceedings.

4 The second order with which the revision petitioners/JDs are aggrieved is dated 9.1.2023 vide which the Executing Court had rejected the report by Rajender Singh, Kanugo to the effect that Khasra No.1954/905 is a joint land, therefore he could not carry out the demarcation. The Executing Court vide a detailed order had observed that the said Kanugo had submitted a false report; he had had not gone to the spot and he himself being Patwari in the year 1996 had participated in demarcation of Plot No.20 as well as adjoining plots, therefore, coming on strongly regarding his conduct, Rajender Singh, Kanugo was directed to visit the spot after issuance of notice to both the parties and then to carry out the demarcation, thereafter submitting report to that Court on or before 25.1.2023.

5. Again, I do not find anything wrong with such order passed by the Executing Court.

6. Coming to the third order dated 23.2.2023, which is being impugned in the present revision petition vide which after recording statement of Rajender Singh, Kanugo village Manauli to the effect that he had visited the spot for demarcation but JDs were not allowing him to carry out the same at the spot; there was threat of breach of peace and requesting for providing police help from the concerned police station, the

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Executing Court had accepted the request observing that the matter be taken up with District Judge, SAS Nagar(Mohali) for providing police help.

7. In this order also, I do not find any illegality or infirmity. With orders being there directing Rajender Singh, Kanugo to carry out demarcation at the spot, any obstruction or resistance offered by JDs cannot be tolerated. Rather the Executing Court has been quite lenient with the JDs in not taking stern action against them for causing obstruction in demarcation so directed by the Court. No fault can be found with this order also.

8. It comes out that the sole purpose of JDs is to delay the execution of decree passed in favour of the decree holder and they cannot be allowed to succeed in such type of designs. It is a matter of concern that a decree for possession obtained by the decree-holders way back in the year 2014 is yet to be executed. That rather points out towards sluggish and inefficient functioning.

9. The impugned orders passed by the Executing Court are quite detailed and well reasoned and those do not suffer from any illegality or infirmity and are not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned orders by way of exercising the revisional jurisdiction.

10. Finding no merit in the revision petition, the same stands dismissed.

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Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

17.4.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No