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112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3217-2023 (O&M)
Date of Decision: 24.05.2023

Rahul Sohail

..... Petitioner

Versus

The Christian Medical College, Ludhiana Society

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. P.S.Jammu, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Article 227 of the Constitution of India praying for setting aside the impugned order dated 09.05.2023 passed by the Civil Judge (Senior Division), Ludhiana, whereby objections to the execution filed by the petitioner in Execution No.Exe-790/2019 has been dismissed.

It is submitted by the learned counsel for the petitioner that the suit for mandatory injunction claiming possession, filed by the respondent was dismissed by the Trial Court. The lower Appellate Court had wrongly decreed the suit. Since, the title of the respondent itself is in dispute, therefore, the decree could not be executed against the present petitioner.

Having heard learned counsel for the petitioner and perused the case file, this Court does not find any substance in the argument raised by the counsel for the petitioner. It is not even in dispute that after the lower Appellate Court had decreed the suit, the present petitioner had filed an RSA-5568-2015 before this Court, claiming, *inter alia*, all the aspects

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relating to the property; as such. However, that RSA-5568-2015 itself has been dismissed by this Court vide judgment dated 06.03.2018. Therefore, the petitioner cannot even be permitted to raise the issue of the title after dismissal of his aforesaid RSA. Otherwise also, the Executing Court is not suppose to go beyond the decree. The decree is supposed to be executed as it is. Otherwise also, the petitioner being lessee of the property could not have even disputed the title of the lessor who had put him in possession of the property. Therefore, the Executing Court has rightly recorded that the petitioner does not have any case for filing objections.

In view of the above, this Court does not find any ground to interfere in the present petition.

Dismissed.

(RAJBIR SEHRAWAT)
JUDGE

24.05.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No