

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

CWP-17143-2023

Date of Decision: 08.08.2023

Major Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Saurabh Bajaj, Advocate, for the petitioners.

Rajesh Bhardwaj, J.

Petitioners have approached this Court praying for quashing of the parallel proceedings initiated by private respondents by way of filing the application dated 15.02.2023 (Annexure P-1), for correction in the revenue record, whereas, execution application in respect of the land in question is still pending in the Court of Civil Judge, Junior Division, Barnala.

It has been contended by learned counsel for the petitioners that the present petition has been filed by the petitioners for quashing the parallel proceedings which have been wrongly and cleverly initiated by the private respondents by way of filing an application dated 15.02.2023 before respondent No.2 for correction of ownership in the revenue record while execution in respect of land is pending before Civil Judge, Jr. Division, Barnala. It is submitted that the private respondents filed redemption suit i.e. Civil Suit No.156 of 1981 being mortgagors of half share of the land measuring 212 kanals 14 marlas comprised in Khewat No.417. He has submitted that the suit was decreed on 29.05.1984 and aggrieved by the same, the petitioners preferred first appeal which was allowed by the learned Additional District Judge, Barnala on 21.08.1984. He has submitted

that feeling aggrieved by the same the private respondents preferred regular second appeal i.e. RSA No.832-1987, which was allowed vide judgment dated 29.02.2012. Being aggrieved by the same, the petitioners filed Special Leave Petition, which was subsequently converted into Civil Appeal and the Hon'ble Supreme Court decided the same on 17.11.2021 (Annexure P-2) by upholding the findings recorded by learned Civil Judge, Barnala. He has submitted that thereafter the private respondents filed execution application (Annexure P-3) for executing the decree dated 29.05.1984 in the Court of Civil Judge, Senior Division, Barnala. He has submitted that the petitioners have now appeared before the Court and filed their objections to the execution petition. He has submitted that the grievance of the petitioners in the present petition is that the private respondents are initiating two parallel proceedings against them by way of filing execution in which the petitioners have raised question of title at one side and on the other hand, the private respondents have moved application before respondent No.2 for correcting the ownership of the land in question while the question of title raised in objection is still pending.

Heard.

After hearing learned counsel for the petitioners and perusing the record, it is evident that the parties are in litigation since long and their inter-se litigation has reached up to the Supreme Court. The precise grievance raised by the petitioners in this petition is that the private respondents have filed execution application as well application for correction of the record before the revenue authority. In these circumstances, this Court does not find any ground to pass any direction as prayed for by the petitioners, thus, the present petition is disposed of with

liberty to the petitioners to avail their remedy for the redressal of their grievance before the appropriate authority as available to them under law.

08.08.2023
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No

(RAJESH BHARDWAJ)
JUDGE