

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101

CM No.25998-CII of 2019 in/and
CR No.7896 of 2019 (O&M)
Date of Decision: 01.02.2023

Mahender Singh

....Petitioner

Versus

Anup Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil Garg, Advocate for the petitioner.

Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate
for respondents No.1 and 2.

Mr. Harish Goyal, Advocate
for respondents No.3 to 5.

Harsimran Singh Sethi, J. (Oral)

CM No.25998-CII of 2019

This is an application under Section 151 of CPC for permission to place on record judgment dated 07.01.2016 as Annexure P-11.

Application is allowed.

Judgment dated 07.01.2016 is taken on record as Annexure

P-11.

CR No.7896 of 2019

Learned counsel for the petitioner argues that though the order dated 14.05.2019 (Annexure P-10) passed by the Executing Court has been challenged in the present revision petition wherein a finding has been recorded that keeping in view the actual possession over the suit land, decree dated 07.01.2016 for partition could not be executed in a manner prescribed in the said decree but the petitioner is ready to amicably settle with the other co-sharers, who are his family members, in a manner that the house, which has been constructed by the other co-sharers of the land in question is not demolished hence, the present order dated 14.05.2019 passed by the Executing Court be set aside with liberty to the parties to approach the Executing Court to evolve amicable formula for the execution of the decree in question after undertaking a fresh demarcation of the land in dispute.

Learned counsel for the respondents raise no objection in case order dated 14.05.2019 is set aside with liberty to the parties to appear before the Executing Court to evolve amicably as well as for the execution of the decree after a fresh demarcation which is needed to be undertaken for the said purpose.

Keeping in view the above, the order dated 14.05.2019 is set aside and the parties are directed to appear before the Executing Court and the Executing Court is directed to look into the amicable settlement between the parties for the execution of the decree in question. It is made clear that in case fresh demarcation is necessary for said amicable

settlement, the Court will be within its jurisdiction to order the same.

The present revision petition is disposed of with the above terms.

February 01, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No