

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

**Civil Revision No.5927 of 2022
Date of Decision: 16.05.2023**

Uma Devi @ Daljit

...Petitioner

Versus

Sunita

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Arun Jindal, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision-petition, the petitioner-judgment debtor-defendant (here-in-after to be referred as 'the petitioner') has laid challenge to the order dated 21.11.2022 passed by learned Civil Judge (Junior Division), Jalandhar (for short 'the Executing Court') in Execution Petition No.79 of 2020 titled as '*Sunita vs. Uma Devi*', whereby the Objection Petition filed by her (petitioner), has been dismissed.

2. Shorn and short of unnecessary details, the facts, leading to the filing of the present petition, are that the respondent-decree holder-plaintiff (here-in-after to be referred as 'the respondent') filed a Civil Suit against the petitioner for seeking a decree for the declaration regarding her (respondent's) exclusive ownership over the suit property and also for the possession of the same, with a further prayer for the relief of permanent injunction to restrain her (petitioner) from raising any construction over the

said property. Vide the judgment and decree dated 23.10.2019 (Annexure P-1), the trial Court decreed the said Suit. Then, the respondent filed the above-referred Execution Petition and the petitioner moved an Objection Petition therein, which has been dismissed vide the impugned order.

3. I have heard learned counsel for the petitioner in this revision petition, at the preliminary stage and have also perused the file carefully.

4. Learned counsel for the petitioner contends that the trial Court had not framed any specific issue corresponding to the averments of the respondent-plaintiff qua her allegedly having forcibly been dispossessed by the petitioner from the suit property and therefore, the judgment and decree (Annexure P-1) are not legally executable but vide the impugned order, the Executing Court has erroneously dismissed the Objection Petition filed by the petitioner on the afore-mentioned score and hence, this order deserves to be set-aside.

5. However, the above-raised contention is devoid of any merit because the consideration and adjudication of the question regarding the afore-alleged legal infirmity in the judgment and decree (Annexure P-1), is beyond the scope and domain of the Executing Court as it is well settled that the Executing Court cannot go beyond the judgment and decree sought to be executed and rather, it is pertinent to mention here that concededly, the petitioner has already resorted to the legal remedy of filing the appeal to impugn the above-mentioned judgment and decree and thus, the afore-said issue/question can/may be looked into and adjudicated upon by the Appellate Court in accordance with law, at the appropriate stage.

6. As a sequel to the fore-going discussion, this Court is of the considered opinion that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

16th May, 2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>