

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

CR No.6945 of 2023 (O&M)

Date of Decision: 17.11.2023

Sudesh Devi

.....Revisionist-Petitioner

Versus

Nawab and another

.....Respondents

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

Present:- Mr. R.K. Arya, Advocate, appearing for
 Ms. Sukhveer Kaur, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the order passed by learned Additional Civil Judge (Senior Division), Sonapat (for short, 'the Executing Court') on 20.10.2023 in **Execution Petition No.04 of 2019**, whereby the objection petition, preferred by the petitioner-Objector (here-in-after to be referred as 'the Objector'), the wife of proforma respondent No.2-Judgment-Debtor (for short 'the JD'), has been dismissed, she (Objector) has preferred the instant revision petition to lay challenge to the same.

2. I have heard learned counsel appearing for the petitioner-Objector, at the preliminary stage, in the present revision petition and have also perused the file carefully.

3. Learned counsel appearing for the Objector contends that the Objector had purchased plot No.41//6/8, measuring 03 Marlas, from one

Dharambir Singh and later-on, she exchanged the above-said plot with the plot bearing No.41//6/5 owned by Surat Singh and is owner in possession of the exchanged plot, which adjoins plot No.41//6/2 stated to be belonging to respondent No.1-Decree-Holder (here-in-after to be referred as 'the DH') but the DH has filed the afore-referred Execution Petition against the JD, her (Objector's) husband and the Executing Court is all out to issue the warrant of possession in respect of the plot in dispute and has also wrongly dismissed her objection petition vide the impugned order and hence, this order is not legally sustainable and deserves to be set-aside.

4. However, the above-raised contention is devoid of any force because undisputedly, the DH had instituted a Civil Suit against the JD in the year 2010 for seeking possession of his plot having No.41//6/2, while averring that the JD had encroached upon the same and he had moved an application to the Tehsildar for its demarcation and after conducting the said proceedings on 18.04.2008, the *Halqa Girdawar* (as LC) reported that the JD had encroached upon his (DH's) said plot by raising construction over it illegally. Concededly, the Objector had got plot No.41//6/5 in exchange, stated to have taken place in the year 2013, i.e much after the institution and rather, during the pendency of the afore-said Suit which had, admittedly, been decreed and the first appeal filed by the JD was dismissed and the Regular Second Appeal, preferred by him before this Court, also stood dismissed. In these circumstances, it is explicit that the objections, raised by the Objector, are not tenable and thus, her objection petition has rightly been dismissed by the Executing Court.

5. As a sequel to the fore-going discussion, it follows 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.

November 17, 2023
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*