

2023:PHHC:159860

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

RA-RS-74-2023
in
ESA-7-2023 (O&M)
Date of decision: 13.12.2023

Azad Kaur and another

....Appellants

Versus

Vishan Dass (deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sumit Sangwan, Advocate for the review applicants

ANIL KSHETARPAL, J (Oral)

1. Heard the learned counsel representing the review applicant. It is evident that this Court has upheld the order passed by the Executing Court which in appeal was affirmed and has concurred with the findings of fact arrived at by the courts below. This conclusion is based on the reports by two different revenue officials, who demarcated the area, despite a 22 years gap. In this case, the review applicant claims to be the purchaser of the property, which is a part of the residential area, whereas it is the case of the decree-holder that under the garb of the aforesaid sale deed, an agricultural land belonging to the decree-holder has been encroached upon. In substance, the only dispute that arises between the parties is with regard to the removal of encroachment. Admittedly, the judgment and decree passed by the court below has become final. The matter has been re-examined by the Executing

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Court while deciding the objection petition. Consequently, the aforesaid order has been affirmed by the First Appellate Court as well by this Court.

2. Keeping in view the aforesaid facts, no ground to review the order dated 20.11.2023, is made out.

3. Hence, dismissed accordingly.

4. All the pending miscellaneous applications, if any, are also disposed of.

13.12.2023

(ANIL KSHETARPAL)

rekha

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No