



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

ESA-20-2019(O&M)

Date of decision : 17.07.2024

Dayal Singh Kataria and another

...Appellants

Vs.

Karambir and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Mittal, Advocate
 for the appellants.

ANIL KSHETARPAL, J. (Oral)

1. In this execution second appeal, the decree-holder assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing the execution petition and allowing the objections filed by Sh. Karambir son of Sh. Sube Singh. In substance, a decree for permanent injunction was passed in favour of the appellants restraining the defendants from creating a hindrance or dispossessing them from the land comprising Khasra No. 562, 564, 573 but the suit qua land comprising Khasra No. 560 was dismissed.

2. Upon appreciation of evidence, both the Courts have come to the conclusion that Sh. Karambir against whom the decree is sought to be implemented was neither a party to the suit nor he is in possession of the land comprising Khasra No. 562.

3. Learned counsel representing the appellant though made a sincere



attempt, however, failed to draw the attention of the Court to any substantive error. The Executing Court appointed the Local Commissioner to demarcate the area and it was found that Sh. Karambir is not in possession of the land comprising Khasra No. 562.

- 4. Hence, no ground to interfere is made out.
- 5. Dismissed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

17.07.2024

neeraj

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned :

Whether Reportable :

Yes

No

Yes

No