

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**116+203****CR No.1330 of 2023 (O&M)
Date of Decision : 25.01.2024**

Dilbag Singh and Another

....Petitioners

VERSUS

Jai Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jitender Nara, Advocate for the petitioners.

Mr. Mohit Rathee, Advocate for respondent Nos.1 and 2.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging order dated 13.02.2023 (Annexure P-13) passed by the Civil Judge (Junior Division), Bahadurgarh whereby application dated 27.01.2023 (Annexure P-11) filed by the petitioners herein for demarcation of the property was dismissed and warrants of possession were directed to be issued. The warrants of possession were executed on 27.02.2023 and thereafter the matter for the first time was listed before this Court on 28.02.2023. From the perusal of the order dated 28.02.2023 it appears that the factum of delivery of possession on 27.02.2023 was not brought to the notice of the Court and hence further proceedings before the Executing Court were stayed till the next date of hearing. The case was thereafter taken up on various dates and interim order continued. Even then the petitioners chose not to disclose to the Court that the possession had been delivered on 27.02.2023 to the decree holder.

2. Today an application being CM-1528-CII-2024 has been filed to challenge order dated 28.02.2023 passed by the Executing Court wherein the execution proceedings were withdrawn by the decree-holders as they had received possession on 27.02.2023. The amendment of the revision petition has not been sought and only the order dated 28.02.2023 is being sought to be challenged by way of an application. The said procedure is totally unknown to law. Learned counsel for the petitioners is unable to explain as to how an order can be challenged by way of an application. In view thereof, the application (CM-1528-CII-2024) is dismissed. Interim order dated 28.02.2023 stands vacated since the execution proceedings already stand dismissed as withdrawn.

3. Faced with the same, learned counsel for the petitioners seeks permission to withdraw the present petition with liberty to the petitioners to avail their remedies as available in law. Permitted to do so.

4. Dismissed as withdrawn with liberty aforesaid. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

25.01.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO