



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

CR-3009-2018(O&M)
Date of decision: 15.09.2025

Gram Panchayat, Khayra, Tehsil and District Mahendergarh

... Petitioner

Versus

Om Parkash and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Manish Mehta, Advocate,
for the petitioner.

None for the respondents.

VIKRAM AGGARWAL, J. (ORAL)

The present revision petition, preferred under Article 227 of the Constitution of India, assails order dated 23.01.2018, passed by the Civil Judge (Jr. Divn.), Mahendergarh, vide which the petition filed by respondent No.1 under Order 21 Rule 32 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC') was allowed.

2. In a suit filed by the respondents/plaintiffs, judgment and decree dated 30.07.2011 (Annexure P-1) was passed and the petitioner/defendant was restrained from interfering with the use and possession of the plaintiffs over the suit property, which was land measuring 3 kanals 18 marlas, situated in the revenue estate of Village Khaira, Tehsil and District Mahendergarh, except in due course of law.



3. An application was preferred by the decree-holders under Order 21 Rule 32 CPC. The same was allowed vide impugned order dated 23.01.2018, leading to the filing of the present revision petition.

4. I have heard learned counsel for the petitioner. No one has put in appearance on behalf of the respondents at the time of arguments.

5. Learned counsel for the petitioner submits that the order passed by the executing Court is illegal and arbitrary for, it does not provide details of any alleged interference in possession by the petitioner. He submits that even the application filed under Order 21 Rule 32 CPC was totally vague and did not specify any details of such interference. He further submits that to prove his assertion, plaintiff Om Parkash appeared in the witness box, whereas from the side of the Gram Panchayat, a number of witnesses were examined. He submits that the executing Court erroneously came to the conclusion that there had been interference in the possession of the plaintiffs over the disputed land at the hands of the Sarpanch of the Gram Panchayat. Reference has been made to the demarcation report (Annexure P-6), wherein it is stated that one Yogesh Kumar had cultivated crops on the disputed land.

6. I have considered the submissions made by learned counsel for the petitioner.

7. A perusal of the execution petition filed under Order 21 Rule 32 CPC (Annexure P-3) shows that it was quite vague, as no details of the interference in the possession of the plaintiffs were given. Even the impugned order does not provide any such details and merely noticed as under:

“12. After hearing learned counsel for parties



and after careful perusal of the case file, this court is of the view that admittedly, the then Learned CJ (JD), Mahendergarh vide judgment and decree dated 30.07.2011 restrained the defendants permanently from interfering in use and possession of the plaintiff on the suit property, except in due course of law. It is alleged by DH/Petitioner/Plaintiff that Contesting JD/Respondent/Defendant is not complying said judgment and decree dated 30.07.2011 rather interferes or causes hinder and wants to give it on lease. Here in the present case, it is admitted by Contesting JD/Respondent/Defendant that suit was decided in favour of the DH/Petitioner/Plaintiff. No stay received regarding the execution of that decree. Contesting JD/Respondent/Defendant obstructed the DH/Petitioner/Plaintiff. Further, during cross-examination, Rws/Dws admitted that they are in possession as per judgment and decree dated 30.07.2011. It is further deposed by Rws/Dws that DH/Petitioner/Plaintiff is not in possession. Perusal of judgment and decree dated 30.07.2011 shows that suit was decreed by Learned Court on 30.07.2011 in favour of the DH/Petitioner/Plaintiff and Proforma DH/Petitioner/Plaintiff wherein it was ordered that Contesting JD/Respondent/Defendant will not interfere in possession and usage of the suit land. Further, the court has decided that DH/Petitioner/Plaintiff and Proforma DH/Petitioner/Plaintiff taken the suit land on the lease from the Contesting JD/Respondent/Defendant, so, there is no reasonable ground to interfere into the possession of the suit property of the DH/Petitioner/Plaintiff and Proforma DH/Petitioner/Plaintiff and to cause hinder in their



usages.”

8. Clearly, the executing Court has not properly appreciated the controversy. Under the circumstances, the said order is not sustainable.
9. That being so, the impugned order dated 23.01.2018, passed by Civil Judge (Jr. Divn.), Mahendergarh, is hereby set aside, and the matter is remitted to the executing Court to pass a fresh order, after considering the entire evidence led by the parties on the record of the case.
10. Pending application, if any, also stands disposed of.

(Vikram Aggarwal)
Judge

September 15, 2025
Rajan

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