



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

256

**CR No.6648 of 2018 (O&M)
Date of Decision :13.05.2025**

Bali Ram and others

.....Petitioners

Versus

Ramesh Kumar and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**Present : Mr. Bhag Singh, Advocate for the petitioners.****VIKRAM AGGARWAL, J. (Oral):**

The present revision petition is directed against the order dated 03.11.2017, passed by the Court of Civil Judge (Jr. Divn.), Ambala, vide which the application filed by the petitioners-decree holders under Order 21 Rule 32 of the Code of Civil Procedure, 1908 (for short 'CPC') was rejected.

2. A suit for permanent injunction was filed by one Munshi Ram Dhiman, who was the father of the present petitioners, restraining the respondents-defendants from interfering in his possession over the site marked by letters ABCD in the site plan, situated at Hisar Road Ambala City. The said suit was decreed vide judgment and decree dated 30.05.2002 (Annexure P-2). An application under Order 21 Rule 32 of CPC (Annexure P-1) was filed by the petitioners-plaintiffs (being legal representatives of said Mushy Ram Dhiman) alleging interference in their possession over the suit property by the respondents-defendants. The respondents-defendants opposed the said application by way of reply (Annexure P-4) wherein it was denied that they ever interfered in the possession of the petitioners-plaintiffs over the suit property. By way of impugned order, the said application was dismissed leading to the filing of the present revision petition.

3. I have learned counsel for the petitioners.



4. Learned counsel for the petitioners submits that the Executing Court erred in dismissing the application filed by the petitioners under Order 21 Rule 32 CPC despite the fact that the petitioners-plaintiffs had been able to prove that the respondents-defendants had been interfering in their possession over the suit property.

5. I have considered the submissions made by learned counsel for the petitioners and the same is devoid of merit.

6. Though extensive evidence was led by both sides, the Executing Court found that the petitioners had not been able to even *prima facie* prove that there was some kind of interference in their possession by the defendants. It was noticed by the Court that PW2-Vijay Dhiman had admitted in his cross-examination that at no point of time any application had been given to the police and there had been no quarrel between the parties. Still further, no eye witness was examined. The respondents-defendants clearly denied having interfered into the possession of the petitioners over the suit property. The Executing Court, therefore, examined the matter from the correct perspective and rejected the application.

7. I do not find any illegality or jurisdictional error in the order warranting interference by this Court.

8. In view of the aforementioned facts and circumstances, I do not find any merit in the present petition and the same is accordingly dismissed.

Pending application(s), if any, stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

13.05.2025

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No