



CR-1096-2020(O&M)

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

CR-1096-2020(O&M)

Date of decision:12.05.2025

Nitya Rani @ Rani Devi

..Petitioner

Versus

Yash Pal Singh Rana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Virender Kumar, Advocate for the petitioner

Mr. Ankit Kamboj, Advocate for

Mr. Munish Mittal, Advocate for respondent no.1 and 2

ANIL KSHETARPAL, J. (Oral)

1. The petitioner before this Court is judgment debtor in a decree passed on 23.08.2011 for the grant of a decree of mandatory injunction directing the judgment debtor to hand over peaceful and vacant possession of the house in question. The application filed by the petitioner under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to set aside the ex-parte decree has already been dismissed against which the appeal is pending. But the appellate court has not granted any injunction in favour of the petitioner. Learned counsel representing the petitioner contends that the decree has been obtained by concealing the material facts as the adoption deed executed by Diwan Chand was cancelled.

2. This Court has considered the submissions made by the learned counsel representing the parties.



- 3. The Executing Court is required to implement the decree unless it is shown to be result of fraud or without jurisdiction.
- 4. The application filed by the petitioner under Order IX Rule 13 CPC setting aside ex-parte decree has already been dismissed.
- 5. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 6. Hence, dismissed.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

12.05.2025

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(ANIL KSHETARPAL)
JUDGE