



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6852 of 2019 (O&M)

Date of Order:29.01.2025

Jagat Singh and another

.Petitioners

Versus

Rajpal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chanderhas Yadav, Advocate
for the petitioners.

ANIL KSHETARPAL, JUDGE (Oral)

1. The operative part of the civil court decree dated 16.11.2016,
passed in favour of the petitioners reads as under:-

*“It is ordered that suit of the plaintiff is hereby Partly
Decreed to the effect that the defendant no.4 Rajpal only
is hereby directed to handover the vacant possession of
the area encroached by him of the plot no.383 as per
local Commissioner's report Ex.P8 read with site plan
Ex.P9 within a period of three months.”*

2. In execution petition, the court Bailiff was deputed to get the
encroachment removed. The Bailiff reported that the encroachment has
been removed. The decree holders claim that the entire encroachment has
not been removed. The Executing Court on the basis of Bailiff's report
consigned the file to the record room. The petitioners have challenged its
correctness. The Judgment Debtor despite receipt of notice has not entered
appearance.

3. Once a final decree has been passed in favour of the petitioners,
the Executing Court is required to satisfy the decree before consigning the



execution petition to the record. The petitioners have positively asserted that from South Western corner of plot No.383, encroachment over area measuring 2feet x 4.6feet has not been removed.

4. The Executing Court ought to have deputed a revenue official for demarcation in order to verify the correctness of petitioners' allegations.

5. Keeping in view the aforesaid fact, the revision petition is disposed of with liberty to the petitioners to file an application before the Executing Court for revival of the execution petition. If an application is filed by the petitioners, the same shall be decided in accordance with law after notice to the Judgment Debtor.

6. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

January 29, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No