

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

2025.PHHC:062985



**ESA-15-2017(O&M)
Date of decision: 13.05.2025**

SHREE NARAIN AND ORS**..Appellants****Versus****RAJA RAM AND ORS****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

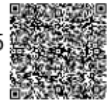
Present: Mr. Rajesh Gaur, Advocate
for the appellant.

Mr. Akshay Jindal, Advocate
Mr. Yashvardhan Goyal, Advocate
for respondent No.1 and 2.

ANIL KSHETARPAL, J(Oral)

1. In this execution second appeal, the appellants assail the correctness of concurrent orders passed by the Courts below while refusing to revive the execution petition, which was disposed of having been satisfied. The plaintiffs filed suit for possession, which was decreed as encroachment of 44' X 44' was found. When the warrants of possession were issued, it was found that number of houses have been constructed. Hence, implementation of decree was ordered with the help of the police. Ultimately, during that process, the compromise was arrived at between the parties and the Court recorded the following finding:-

“In pursuance of compromise, it was settled that houses situated on Western and Northern corner side are left and land measuring 19 Sq. yard consisting one room and vacant land total land measuring 10M was being left and remaining land on southern side shall be left by decree holder for JDS according to compromise and in presence of police force, the gate was removed from Southern side and total land 10M land was left for decree holder. The new gate was installed on Western side and parties bore expenses. It was stated by decree holder that if Raja Ram, etc. would behave properly



with them then decree holders would incorporate name of judgment debtor relating to land measuring 10 Marla. Then rapat was entered bearing Serial number 467 by Halqa Patwari. This report of revenue official is supported with memo of presence of parties on which ten persons including parties appended their signature.”

2. Admittedly, appellant No.1 and 2 signed the settlement.
3. Subsequently, an application was filed by the appellants that decree has not been satisfied. The Court called the revenue officer Sh. Nasib Singh in person to explain his position. The Court recorded the statement of Sh. Nasib Singh, Kanungo. Thereafter, the parties again sought time for settlement but without any result. After discussing all aspects of the case, the Court came to conclusion that in fact, the parties had settled the matter and the judgment debtor as well as decree holder exchanged their possession. It was found that the judgment debtors removed the gate from Southern side and left 10 marlas land for decree holder. Thereafter, new gate was installed on the Western side.
4. Learned counsel for the appellants contend that Sh. Aviral Gupta has not signed the settlement. Sh. Aviral Gupta is brother of Sh. Adarsh Bansal, who has signed the agreement.
5. Moreover, this argument was never pressed before the Courts below.
6. Hence, no ground to interfere is made out.
7. Dismissed.
8. All the pending miscellaneous applications, if any, are also disposed of.

May 13th, 2025

Ayub

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*

(ANIL KSHETARPAL)
JUDGE