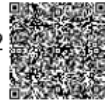


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

124

2025:PHHC:038962



**ESA-62-2019 (O&M)
Date of decision: 21.03.2025**

JARNAIL SINGH

..Appellant

Versus

SURINDER PAL AND ORS

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

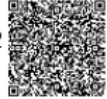
Present: Mr. Sakal Sikri, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

1. This execution second appeal has been filed by the appellant, who is brother of the judgment debtor. Sh. Surinder Pal filed suit for grant of injunction against forcible dispossession from a shop measuring 25 feet X 33 feet, which was decreed on 25.10.2008. The decree was passed against Sh. Chanan Singh, restraining him from interfering into the peaceful, use, occupation, possession and enjoyment over the shop. However, decree holder Sh. Surinder Pal was forcibly and illegally dispossessed on 08.11.2010 forcing the decree holder to file application under Order XXI Rule 32 of the Code of Civil Procedure, 1908 (in short 'CPC'). The appellant Sh. Jarnail Singh, brother of Sh. Surinder Pal Singh filed reply, which was treated as objections and was dismissed by both the Courts below.

2. Learned counsel for the appellant submits that the judgment and decree for injunction passed in favour of Sh. Surinder Pal Singh is a decree *in personam* and the appellant was not party thereto, hence, it is not binding on the appellant.

3. This Court has considered the submissions of learned counsel for the appellant.



4. Sub-Section 3 of Section 47 of the 'CPC', enables the Court to decide 'as to whether any person is or is not representative of a party to the decree?'

5. In this case, both the Courts have found that the appellant is a representative of judgment debtor, who is his brother.

6. Learned counsel for the appellant further submits that the Courts have held the appellant to be legal representative in terms of Section 50 of the 'CPC'.

7. This Court has considered the submission.

8. In fact, it is Section 47, which shall be applicable in the present case. The appellant is clearly colluding with his brother in order to save the property. Otherwise, the injunction has become final and the judgment debtor is bound by the same.

9. Hence, no ground to interfere with the concurrent findings of fact is made out.

10. Dismissed accordingly.

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

March 21st, 2025

Ayub

**(ANIL KSHETARPAL)
JUDGE**

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