



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-21418-CII-2025 in/and
CR-6019-2024(O&M)
Date of decision: 28.10.2025

Indrawati
... Petitioner
Versus
State of Haryana and others
... Respondents

CORAM: HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Nand Lal Sammi, Advocate,
for the petitioner.
Mr. Anuj Garg, DAG, Haryana.

VIKRAM AGGARWAL, J.

CM-21418-CII-2025

Prayer in the present application preferred under Section 151
CPC is for placing on record the counter reply to the status report dated
10.07.2025 filed by the respondents.

For the reasons mentioned in the application, the same is
allowed. Consequently, the counter reply is taken on record.

CR-6019-2024(O&M)

The instant revision petition, preferred under Article 227 of the
Constitution of India, assails the order dated 01.10.2024 (Annexure P-4),
passed by the Court of Additional Civil Judge (Sr. Divn.), Rewari, vide
which the execution petition preferred by the petitioner (Smt. Indrawati)
under Order XXI Rule 32 of the Code of Civil Procedure, 1908 (for short,
‘CPC’) was dismissed and the objections filed by the respondents/JDs were
allowed.



2. The facts, as emanating from the revision petition, are that vide communication dated 19.06.1980, issued pursuant to an application submitted by one Mahinder Singh (husband of the petitioner), a Jai Jawan Tea Stall was allotted to him in the premises of Civil Hospital, Rewari (Annexure P-5). Mahinder Singh was an Ex-Army man, who is stated to have been injured in a War and became handicapped and was, therefore, considered as a Disabled Soldier.

3. In 2004, the respondents illegally and forcefully made an attempt to dispossess the said Mahinder Singh. However, Mahinder Singh represented to the authorities, as a result of which his possession was not disturbed. On 22.06.2007, a public notice was issued by the Civil Surgeon, Rewari, to the effect that the Jai Jawan Tea Stall would be re-allotted. Accordingly, applications were invited till 09.07.2007. This led to filing of Civil Suit No.470 of 2007 by Mahinder Singh for permanent injunction. The said suit was decreed vide judgment and decree dated 26.03.2010 (Annexure P-1). No appeal was preferred against the said judgment and decree, as a result of which the same attained finality.

4. Mahinder Singh expired on 13.03.2024, after which the respondents again started threatening the petitioner to vacate the premises and handover its possession. It is case of the petitioner that since the allotment of the Tea Stall had been made by the Government of India (Ministry of Defence), there was no power with the Government of Haryana (Deputy Collector/Civil Surgeon/Principal Medical Officer, Rewari) to revoke the allotment.



5. It has been averred that on 21.06.2024 (Annexure P-3), the office of District Sainik Welfare Department, Rewari had issued a communication to the Civil Surgeon, Govt. Civil Hospital, Rewari that the application received from the petitioner was being forwarded to the Civil Surgeon and it was requested that her case be considered sympathetically in terms of the existing policy.

6. An application under Order XXI Rule 32 read with Section 151 CPC was instituted by the petitioner and objections were filed by the respondents. By way of the impugned order dated 01.10.2024 (Annexure P-4), the said application was dismissed, whereas the objections filed by the respondents were allowed, leading to the filing of the present revision petition.

7. I have heard learned counsel for the parties.

8. Learned counsel for the petitioner has strenuously urged that the impugned order is not sustainable. It has been submitted that the Jai Jawan Tea Stall was allotted to Mahinder Singh (husband of the petitioner) in the year 1980 and vide judgment and decree dated 26.03.2010, the respondents had been permanently restrained from interfering in his possession over the said Tea Stall. He submits that being the legal representative of Mahinder Singh, the petitioner has every right to operate the Tea Stall, as there is no other source of income. Learned counsel further submits that the Deputy Commissioner, Rewari would have no power to cancel the allotment of the Tea Stall, which had been allotted by the Government of India.



9. Per contra, it has been submitted by learned State counsel that there is no illegality in the impugned order. He submits that the Tea Stall had been allotted to Mahinder Singh and the said right was not heritable. It has been submitted that even the District Sainik Welfare Department had written to the authorities to consider the petitioner's case sympathetically. However, he submits that the Tea Stall has to be allotted in terms of the policy of the Government, and the petitioner, instead of coming through the proper channel, chose to institute an execution petition. Learned State counsel has referred to all documents on record and has submitted that there is no illegality in the impugned order and that the same deserves to be upheld.

10. I have considered the submissions made by learned counsel for the parties.

11. Concededly, the Tea Stall was allotted to Mahinder Singh vide communication dated 19.06.1980. However, the communication did not mention any details as regards the period for which the said Tea Stall had been allotted. Still further, there were no details as regards any other terms and conditions. In fact, Mahinder Singh was advised to contact Secretary Zila Sainik Board Narnaul. Nothing has been brought on record to even *prima facie* show as to what were the terms and conditions of the allotment.

12. No doubt, a suit for injunction was instituted by Mahinder Singh, which was decreed vide judgment and decree dated 26.03.2010. However, the fact remains that Mahinder Singh unfortunately expired on 13.03.2024. The question which then arose before the authorities is as to whether the widow of Mahinder Singh was entitled to continue operating the



said Tea Stall. The status report submitted by the respondents reveals that there exists a policy dated 09.09.2005 (Annexure R/4) as regards allotment of Chemist Shops, Canteen, STD Booths, Tea/Juice Stalls etc. in the hospital premises. Vide communication dated 07.05.2024 (Annexure R/5), the Secretary, District Sainik Board, Narnaul and Rewari, was informed that the allotment of the Jai Jawan Tea Stall was cancelled on account of the death of Mahinder Singh so that it can be used for the work of Civil Hospital, Rewari. A communication dated 21.06.2024 (Annexure P-3) was issued by the office of the District Sainik Welfare Department, Rewari to the Civil Surgeon, Govt. Civil Hospital, Rewari, pursuant to an application dated 14.05.2024 having been received from the petitioner. The Civil Surgeon, Rewari was requested to consider the petitioner's case sympathetically as per the existing policy for running the Jai Jawan Tea Stalls. This communication, in the considered opinion of this Court, clinches the case in favour of the respondents, for, nowhere did the District Sainik Welfare Department, Rewari oppose the cancellation of the Jai Jawan Tea Stall. Instead, the Civil Surgeon, Rewari was requested to consider the case of the petitioner sympathetically as per the existing policy.

13. Vide communication dated 03.07.2024 (Annexure R/6), which was written in reply to letter dated 21.06.2024, it was informed that the policy to allot Tea Stalls/Chemist Shops etc. in hospitals had been revised by the Government vide memo dated 09.09.2005. The Welfare Officer was, therefore, requested to cancel the allotment of Jai Jawan Tea Stall allotted to the husband of the petitioner.



14. The petitioner, instead of applying according to the policy, preferred an execution application. No doubt, being the legal representative of Mahinder Singh, such application could have been preferred. However, the petitioner had raised an independent claim. It was rightly found by the executing Court that there was no heritable right nor was it so mentioned in the judgment and decree dated 26.03.2010. Further, the right of Mahinder Singh was a right in personam and after his death, the petitioner had not been able to show any right to continue the Tea Stall, which had been allotted to Mahinder Singh on account of his having been become handicapped in War.

15. It is another matter that the Government may consider the case of the petitioner sympathetically by relaxing the terms and conditions of the policy, if so deemed appropriate. In any case, there is no illegality in the impugned order vide which the execution petition was dismissed and the objections filed by the respondents were allowed.

16. That being so, the instant revision petition is found to be devoid of merit and is accordingly dismissed.

17. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

October 28, 2025

Rajan

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No