



CR-6233 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CR-6213 of 2025 (O&M)

Decided on : 08.09.2025

Uday Bhan

.....Petitioner

Versus

Ramphal & Anr.

.....Respondents

CORAM : HON'BLE MR.JUSTICE DEEPAK GUPTA

Present: Mr. Chanderhas Yadav, Advocate
For the petitioner.

DEEPAK GUPTA, J.

Petitioner is aggrieved by the order dated 28.08.2025 (*Annexure P-10*) passed by the Executing Court of Civil Judge (Jr.Divn.), Jhajjar, whereby his 3rd party objections filed in execution case No. 56 of 2024 under Order XXI Rule 101 CPC, titled as *Ramphal Vs. Lakhi Ram*, have been dismissed.

2. By way of judgment and decree dated 16.04.2001 (*Annexure P-1*), suit for permanent injunction filed by Ramphal and others was decreed, whereby defendant of that case, namely, Lakhi Ram was restrained from alienating the suit property and from interfering in the peaceful enjoyment and possession of the plaintiffs over the same.

3. One of the decree-holder Ramphal filed execution (*Annexure P-2*) contending therein that on 18.11.2023 he had installed a shed in the suit property for storing the cement etc. and on the next day, when he had gone to Jhajjar for some personal work, the judgment debtor Lakhi Ram along with his sons entered the plot and destroyed the shed. The decree-holder prayed for arrest and detention of respondent-JD for violating the decree dated 16.04.2001.

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4. It is during the aforesaid execution that the present petitioner Uday Bhan, who is none other than the son of the judgment-debtor Lakhi Ram, who filed objection claiming to be in possession of the property in dispute since the time of his father and placed reliance upon an electricity connection and some photographs.

5. The said objections have been dismissed by the Executing Court by way of impugned order and the SHO concerned has been directed to provide necessary police help to Bailiff for execution of the decree dated 16.04.2001.

6. Assailing the aforesaid order, it is contended by learned counsel that decree was passed way back in 2001; that it is the petitioner who is in possession and so impugned order could not have been passed.

7. There is no merit in the contention. Decree was passed against Lakhi Ram, father of present petitioner. The decree was specific to the effect that defendant-judgment debtor shall not alienate the property and will not interfere in the peaceful possession of decree holders including the respondent herein, namely Ramphal. As observed by the Executing Court in the impugned order that during proceedings of the main case, the present petitioner Uday Bhan had appeared as DW4 and at that time stated that suit property was owned by Dharam Pal who was in possession and had not asserted the possession of his father. Since the decree was passed against the father of the present objector, he is bound by the same. The 3rd party objections by the petitioner clearly appear to have been filed to obstruct the execution of the decree at the instance of the judgment debtor.

8. As such, this Court does not find any merit in the present petition, in the absence of any illegality or perversity. Dismissed.

(DEEPAK GUPTA)
JUDGE

08.09.2025

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