



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124)

CR-7178-2025
DATE OF DECISION: 03.11.2025

Shyam Sunder and others

.....Petitioners

VERSUS

Goli Ram and another

.....Respondents

CORAM HON'BLE MR. JUSTICE PARMOD GOYAL

Present Mr.Vishal Garg Narwana, Advocate,
Ms. Chetna Rao, Advocate,
Mr. Abhishek Chauhan, Advocate and
Ms. Aashima Jindal, Advocate for the petitioners.

PARMOD GOYAL, J (ORAL)

1. Petitioners/Judgment Debtors are aggrieved by impugned order dated 26.09.2025 (Annexure P-11), whereby objections filed by Judgment Debtors No.1 to 4 were rejected and warrants of possession against Judgment Debtors was issued.

2. Decree Holder/Respondent No.1, claiming to be owner of house No. 265, Sector 12-A, village Rally, Panchkula had sought possession of suit property from his sons namely, defendants - Shyam Sunder, Ram Sunder, Ram Partap and Shiv Partap. The said suit was decreed with costs by judgment and decree dated 09.05.2022, passed by Additional Civil Judge (Senior Division), Panchkula. No appeal was filed against that order. One of the issue was "whether the plaintiff is entitled to relief of possession as prayed for." It was the case of plaintiff that he is owner of the suit property, which he had purchased vide registered sale deed dated 03.03.1994 and after



spending huge amount he has got it renovated and since defendants were his sons, he allowed them to stay in the house owned by him. He retired from service in the year 2013 but after death of his wife, the behaviour and attitude of the defendants changed and therefore, plaintiff decided to retake possession and despite repeated requests the defendants did not agree to handover vacant possession of the suit property. Hence suit for possession was preferred.

3. Plaintiff/Decree Holder had duly referred to an earlier round of litigation between the parties wherein a suit was preferred by petitioners for permanent injunction restraining Respondent no.1 from alienating the suit property and further restraining Respondent no.1 from interfering into peaceful possession of petitioners over the Ist floor of suit property was partly decreed by first Appellate Court vide judgment and decree dated 18.11.2015.

4. It is not in dispute that petitioners namely Shyam Sunder and others had filed a civil suit for permanent injunction against present plaintiff-Respondent no.1-Decree Holder. The said suit was dismissed vide judgment and decree dated 23.01.2015, passed by the Civil Judge (Junior Division), Panchkula. Against said judgment, the Judgment Debtors Shyam Sunder and others had approached the Appellate Court in first appeal bearing No. 88 of 2015, which was partly allowed vide judgment and decree dated 18.11.2015. The Respondent/Decree Holder was restrained from dispossessing Judgment Debtors without due process of law.

5. In the suit preferred by petitioners/Judgment Debtors, they had taken specific stand that suit property was purchased by their father with



to ownership or claim to the property on basis of their alleged contribution was negated by both the Courts i.e by the Court of first instance as well as first appellate Court, vide judgment and decree dated 23.01.2015 and 18.11.2015. Only on the basis of possession, they were held entitled to protect their possession till they are dispossessed in accordance with law. Same objections which had not found favour in civil suit preferred by Judgment Debtors and appeal preferred by them vide judgment and decree dated 23.10.2015 and 18.11.2015 is being raised in execution petition preferred by Decree Holder by way of objections raised before Executing Court.

6. Learned Executing Court has, therefore, rightly rejected the objections which has not found favour earlier in the civil suit preferred by Judgment Debtors and which has attained finality between the parties. Therefore, no ground for interference with the impugned orders dated 16.09.2025 (Annexure P-10) and 26.09.2025 (Annexure P-11) is made out. Learned Executing Court has rightly dismissed the objections taken by Judgment Debtors. Impugned orders dated 16.09.2025 (Annexure P-10) and 26.09.2025 (Annexure P-11) are upheld.

7. Civil Revision Petition is without any merit, hence, dismissed.

03.11.2025
mamta

(PARMOD GOYAL)
JUDGE

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