



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

**CR No. 8001 of 2025 (O&M)
DATE OF DECISION: 10.11.2025**

SANJAY SAINI AND ANOTHER

.....PETITIONERS

Vs.

SEWA RAM (SINCE DECEASED) THROUGH LRS AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Nikhil Mittal, Advocate,
for the petitioners.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 11.08.2025 (Annexure P-7), passed by the learned Executing Court, Panipat, in execution proceedings EXE-59-2024 titled *Sewa Ram and others vs. Rajinder Kumar and others*, whereby the learned Executing Court has dismissed the third-party objections filed by the petitioners. A further prayer has been made that the proceedings pending before the learned Civil Judge (Junior Division), Panipat, in the said execution be stayed.

2. The brief facts of the case are that respondents No. 1 and 2, namely Sewa Ram and Satish Kumar, filed Civil Suit No. RBT/58/2018, instituted on 17.11.2017/02.04.2018, titled *Sewa Ram (since deceased) and*



another vs. Rajinder Kumar and another, for a decree of declaration, mandatory injunction, and permanent injunction, claiming a portion of street ABCDEF/AEFG as a public street and seeking removal of alleged encroachment made by present respondents No. 3 and 4 (Rajinder Kumar and the Municipal Committee, now Municipal Corporation, Panipat). The said suit of present respondents No. 1 and 2 was decreed on 09.01.2019 (Annexure P-2) and the learned Civil Judge (Junior Division), Panipat, held that respondent No. 3-Rajinder Kumar had no right, title or authority to encroach upon or amalgamate the disputed portion with his residential house. Respondent No. 3-Rajinder Kumar was directed to remove the encroachment marked ABCDE in the site plan, and respondent No. 4-Municipal Committee (now Municipal Corporation, Panipat) was directed to ensure removal of the said encroachment within a period of three months. Respondent No. 3-Rajinder Kumar was also permanently restrained from encroaching upon or amalgamating the portion marked AEFG in the site plan.

2.1 The aforesaid judgment and decree dated 09.01.2019 (Annexure P-2) were challenged before the learned Additional District Judge, Panipat, but the appeal was dismissed, vide judgment and decree dated 17.05.2022 (Annexure P-3). Thereafter, execution proceedings were initiated by present respondents No. 1 and 2, namely Sewa Ram (since deceased) and Satish Kumar (Annexure P-4). The present petitioners then filed objections dated 05.07.2025 (Annexure P-5), contending that the suit before the learned Civil Court was bad for mis-joinder and non-joinder of necessary parties; that the judgment and decree dated 09.01.2019



(Annexure P-2) were not binding upon them; and that the plaintiffs (present respondents No. 1 and 2) had wrongly mentioned the name of the petitioners' father as Ishwar Chand instead of Ishwar Dass.

2.2 Reply, dated 21.07.2025 (Annexure P-6) to the objections was filed by respondents No. 1 and 2 (decree-holders) and after hearing the parties, the objections were dismissed vide order dated 11.08.2025 (Annexure P-7) by the learned Civil Judge (Junior Division), Panipat.

3. Learned counsel for the petitioners submits that the petitioners were never parties to the original suit filed by the decree-holder against the judgment-debtors; hence, their rights were never adjudicated by the learned Civil Court. It is further submitted that no proper demarcation was carried out by the Local Commissioner before directing demolition, and that the learned Executing Court has failed to adjudicate upon the objections of the petitioners in their correct perspective.

3.1 It is further submitted that respondent No. 3-Rajinder Kumar is the brother of the petitioners; however, he has been residing in Delhi and not in the suit property. This aspect, according to counsel, was not taken into consideration by the learned Civil Judge while deciding the objections. Thus, a prayer has been made for setting aside the impugned order dated 11.08.2025 (Annexure P-7) and for staying the proceedings.

4. In view of the facts of the case, this Court is of the opinion that issuance of notice to the respondents would unnecessarily delay the proceedings; hence, the same is dispensed with.

5. On consideration of the submissions and material on record, it emerged out that admittedly, respondent No. 3-Rajinder Kumar is the



brother of the petitioners. Though much emphasis has been laid on the contention that respondent No. 3-Rajinder Kumar is residing in Delhi and not in the suit property, the fact remains that no documentary evidence was produced by the petitioners before the Executing Court to substantiate the said plea. On the contrary, the learned Executing Court has recorded in the impugned order that respondent No. 3-Rajinder Kumar has filed several applications/affidavits showing his address as House No. 304/4, *Khari Kui, Near Hanuman Mandir, Panipat*. The plea raised by the petitioners is, therefore, without foundation.

6. Further, the report of the Local Commissioner clearly records that respondent No. 3-Rajinder Kumar along with Parminder and Sanjay had raised an unauthorised *chabutra*/platform in the public street. When respondent No. 3-Rajinder Kumar is the brother of the petitioners and they are residing in the same house, it cannot be accepted that the petitioners were unaware of the proceedings before the Courts. The suit property has been held to be a public street, and the Local Commissioner's report establishes encroachment by respondent No. 3-Rajinder Kumar along with his brothers. The submissions now raised were duly considered by the learned Civil Court while disposing of the objections. The learned Civil Judge (Junior Division), Panipat, therefore, rightly dismissed the objections.

7. Accordingly, this Court finds no merit in the prayer for setting aside the order dated 11.08.2025 (Annexure P-7) passed by the learned Executing Court, Panipat.



8. Finding no illegality in the order dated 11.08.2025 (Annexure P-7), the present revision petition, being devoid of merit, is dismissed.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

NOVEMBER 10, 2025 (AMARINDER SINGH GREWAL)
nitin JUDGE

Whether Speaking	Yes
Whether Reportable	No