



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

(134)

CR-8396-2025 (O&M)
Date of Decision:-**08.12.2025**

Salim and another

... Petitioners

Versus

Najim

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Diwan S. Adlakha,
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioners respectfully invoke the supervisory jurisdiction of this Court under Article 227 of the Constitution of India through the present petition, seeking interference with the impugned order dated 29.09.2025 (Annexures P-4 and P-5). By the said order, the learned Court below rejected the petitioners' objections and allowed the execution petition, thereby occasioning grave prejudice to their rights and materially affecting their substantive interests.

2. Briefly stated, the respondent-plaintiff instituted a suit for permanent injunction seeking to restrain the defendants from interfering in any manner with his actual physical possession over the suit land. The suit was decreed, and the appeal preferred by the present petitioners was dismissed vide judgment and decree dated 07.03.2024. Thereafter, the respondent-decree holder initiated execution proceedings under Order XXI Rule 32 of the Code of Civil Procedure, seeking the civil imprisonment of



the judgment-debtors or, in the alternative, attachment of their property, on the allegation that in November 2024 the petitioners had forcibly and illegally dispossessed him by entering upon the suit land in willful disobedience of the decree dated 30.08.2016.

2.1. Upon service of notice, the petitioners entered appearance and filed an objection petition-cum-reply. However, the Executing Court, vide the impugned order, dismissed the objections and allowed the execution petition. The present revision petition challenges the said order primarily on the grounds that the Executing Court failed to consider that proceedings under Order XXI Rule 32 CPC can be invoked only in cases of willful and deliberate violation of an injunction decree. It is asserted that the decree holder must specifically plead and establish the precise date, time, or year of the alleged disobedience, which has not been done in the present case.

2.2. It has further been contended that the decree holder was never in actual possession of the suit property and that the decree was procured through misrepresentation of facts. According to the petitioners, one Ibrahim son of Alya was the recorded tenant over the suit land, whereas the decree holder has no connection with Ibrahim and is, in fact, the son of one Moju.

3. I have heard the learned counsel for the petitioners at length and have undertaken a meticulous and comprehensive examination of the entire record.

4. In the execution petition, a copy of which has been placed on record as Annexure P-2, the respondent/decreed-holder has specifically averred in paragraph 5 that the judgment-debtors dispossessed him in November 2024 by forcibly entering upon the suit land. In response, the petitioners filed an objection petition-cum-reply, wherein they contended



that the decree was procured by misrepresenting facts before the Court, allegedly by taking undue advantage of the similarity between the names “Ibrahim son of Aliya” and “Ibrahim son of Mouj.” It was asserted that the decree-holder had never been in actual possession of the suit land and was, in fact, a complete stranger to the property.

4.1. The petitioners further pleaded that the execution petition was hopelessly time-barred, as the decree-holder had failed to disclose the specific date of the alleged dispossession. They also claimed that the *Khasra Girdawari* entries had already been mutated in favour of the answering judgment-debtor, replacing the earlier entries standing in the name of Ibrahim son of Aliya, and therefore the judgment-debtors had been continuously in possession of the suit property.

5. Upon considering the objection petition filed by the judgment-debtors as well as the execution petition of the decree-holder, the learned Executing Court after affording both parties full opportunity to lead evidence and after duly framing the requisite issues proceeded to dismiss the objection petition and allow the execution. The Executing Court rightly held that the question relating to the identity of the decree-holder’s father stood conclusively adjudicated in the original suit and could not be reopened or re-litigated in execution proceedings. It further observed that the decree-holder had already been found to be in possession of the suit property as a tenant following the death of his father, Ibrahim, and such findings, having attained finality, could not be assailed at the execution stage.

6. Learned counsel for the petitioners has further argued that the decree-holder has failed to disclose any specific date of the alleged dispossession, and in the absence of such a precise date, an execution



petition under Order XXI Rule 32 CPC is not maintainable. In support of this submission, reliance has been placed on the judgment of this Court in **Gurbax Singh v. Sohan Singh and others, 2024 (4) Law Herald 3511.**

7. As regards the judgment relied upon by learned counsel for the petitioner, the same has no application to the facts of the present case. Here, the decree-holder has specifically pleaded that he was dispossessed in November 2024. Moreover, during the trial of the suit, the petitioners themselves had taken the stand that Ibrahim son of Aliya was in possession of the suit property as a tenant and that the plaintiff, not being related to Ibrahim son of Aliya, could not inherit the tenancy rights. This contention was duly examined, and the Court returned a categorical finding that the father's name had been erroneously recorded in the revenue record as "Aliya," whereas in fact it was "Moju," who was indeed the plaintiff's father.

7.1. This factual position was proved through the testimony of Paramjit Singh, Kanungo (PW-1). Consequently, once it was established that the decree-holder's father was the tenant of the suit property, the finding that the plaintiff/decreed-holder succeeded to the tenancy and remained in possession was rightly affirmed. It is also undisputed that the petitioners are presently in possession of the suit land, thereby clearly demonstrating that the decree-holder was dispossessed in violation of the subsisting injunction order.

7.2. In these circumstances, the learned Executing Court committed no error in dismissing the objection petition. Finding no merit whatsoever in the present revision petition, the same stands dismissed.



8. However, the observations made hereinabove shall not be construed as an expression of opinion on the merits of the substantive dispute. They are strictly confined to the present proceedings and the limited issues arising for consideration in this revision.

9. Since the principal matter has now been finally adjudicated, all pending miscellaneous applications, if any, arising therefrom or incidental to these proceedings shall also stand disposed of accordingly. No separate orders are required in view of the conclusion reached in the main case.

08.12.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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