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

CR-1304-2024 (O&M)
Date of decision: 21.05.2026

Gobinder Singh and others

...Petitioners

Versus

Amarjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Kumar Yadav, Advocate and
Mr. Angrej Singh, Advocate for the petitioners.

Mr. Ramesh Chand Sharma, Advocate for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 31.01.2024 passed by the Civil Judge (Junior Division)-V, Kapurthala, whereby, the application filed by the petitioners under Order 7 Rule 11 CPC dated 01.09.2023 for rejection of execution petition filed under Order 21 Rule 32 of CPC has been dismissed.

2. On 01.10.2024, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr. Sandeep Kumar Yadav, Advocate for the
petitioners.*



Learned counsel for the petitioners would contend that vide judgment and decree dated 27.02.2023 passed by the learned Civil Judge (Junior Division)-V, Kapurthala the defendants therein were restrained from interfering in the peaceful and continuous possession of the plaintiff-respondent No.1 herein and further from dispossessing the plaintiff-respondent No.1 herein illegally, forcibly either themselves or through their associates, agents or any hired persons. Learned counsel would further contend that in the execution application, respondents No.7 to 9 (the petitioners herein) were added though they were not parties to the suit. An application was filed under Order 7 Rule 11 CPC that respondents No.7 to 9 have wrongly been impleaded as they were not a party to the suit. The said application was dismissed vide the impugned order. It is further the contention that a perusal of the execution application would reveal that there is no averment in the application except that respondents No.7 to 9 are related to respondents No.1 to 6 and that they were trying to interfere in the possession, however, the details are totally missing.

Learned counsel for the petitioners further states that he has instructions from the petitioners that the petitioners are not interfering in the possession of the plaintiff-respondent No.1 herein and that they are in no manner trying to dispossess him from the suit property.

Notice of motion, returnable 05.12.2024.

Notice Re: stay.

'Dasti' as well. Liberty to serve the respondents through counsel representing them before the Court below.

01.10.2024"

3. Thereafter, on 29.09.2025, the Coordinate Bench of this Court had passed the following order:-



*“Present: Ms. Deepika, Advocate for
Mr. Sandeep Kumar Yadav, Advocate for the
petitioners.
Mr. Ramesh Sharma, Advocate for respondent
No.1.*

*Mr. Ramesh Sharma, Advocate has put in appearance on
behalf of respondent No.1 and has filed his power of attorney,
which is taken on record. He seeks some time to argue the
matter. On his request, adjourned to 27.02.2026.*

*Meanwhile, proceedings before the Executing Court
shall remain stayed.*

29.09.2025”

4. Learned counsel for respondent No.1 has submitted that even in case the plea of the petitioners is taken to be true on its face value, then also, an application under Order 7 Rule 11 CPC is not maintainable and at best, only the said persons can be deleted from the array of parties on whose behalf the statement has been made that they are not interfering in the possession of plaintiff-respondent No.1 herein and would also not try to dispossess him.

5. During the course of arguments, a fair stand has been taken on behalf of the petitioners as well as respondent No.1 and the present revision petition is disposed of with the following observations/directions:-

- i) The petitioners who are not party in the civil suit are ordered to be deleted from the array of parties in the proceedings under Order 21 Rule 32 CPC.
- ii) The petitioners would be bound by the statement made before the Coordinate Bench of this Court as well as before this Court to the



effect that neither they would interfere in the possession of plaintiff-respondent No.1 herein nor would try to dispossess him.

- ii) The present order would not be construed as an expression of opinion on the merits of the case and it would be open to respondent No.1 to pursue the case against other respondents in the proceedings under Order 21 Rule 32 CPC and it would also be open to respondent No.1 as well as the other respondents to contest the said case under Order 21 Rule 32 CPC in accordance with law.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

21.05.2026

Pawan

(VIKAS BAHL)
JUDGE

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