

124

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-2847-2026 (O&M)  
Date of Decision: 01.04.2026

FAKRU SINCE DECEASED THROUGH HIS LRS & ORS

..... Petitioners

*Versus*

MEER KHAN & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Rakesh Bakshi, Advocate  
for the petitioners.

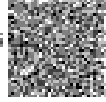
\*\*\*\*

**YASHVIR SINGH RATHOR, J. (Oral)**

1. This revision petition has been preferred under Article 227 of the Constitution of India for setting aside the order dated 24.02.2026 passed by learned Additional Civil Judge (Sr. Divn.), Bilaspur vide which the objections filed by the petitioners/Judgment Debtors in Execution Application No. EXE-14-2022 title '***Meer Khan Vs. Fakru and others***' were dismissed and warrants of possession were issued.

2. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondents.

3. I have heard the learned counsel for the petitioners/revisionists and have gone through the material on record.



4. As per version of the petitioners/defendants, the respondent/plaintiff filed a suit for mandatory injunction seeking removal of encroachment over a gali share-aam, which was decreed by the learned Trial Court vide judgment and decree dated 23.12.2021 (Annexure P-3). Against the said decree, the petitioners' predecessor preferred an appeal which was dismissed in default on 21.11.2023 (Annexure P-8). An application for restoration of the appeal is currently pending adjudication before the learned District Judge, Jagadhri for filing of reply where costs of Rs. 500 was recently imposed upon the respondents on 16.02.2026 (Annexure P-10). In the meanwhile, the learned Executing Court, vide impugned order dated 24.02.2026, dismissed the petitioners' objections and issued warrants of possession.

5. The contention of the petitioners is that the restoration application and the subsequent appeal will be rendered infructuous in case the warrants of possession are executed in Execution Application No. EXE-14-2022 title '***Meer Khan Vs. Faku and others***' before final disposal of the pending restoration proceedings.

6. The grievance of the petitioners/defendants is *bonafide*. Against the judgment and decree dated 23.12.2021 (Annexure P-3), an appeal was filed. Though it was dismissed in default yet a restoration application is pending. In case, the judgment and decree passed by the Trial Court is implemented by executing the warrants of possession during the pendency of the restoration proceedings, the statutory right of the petitioners will be frustrated and the restoration application/appeal will certainly become infructuous.

7. Resultantly, the present revision petition is disposed of with



a direction to the learned Appellate Court to decide the application moved by the petitioners seeking restoration of the appeal against the judgment and decree dated 23.12.2021(Annexure P-3), at the earliest. Till the said application for restoration is decided by the learned Appellate Court and necessary order is passed on the application under Order 41 Rule 5 CPC, the execution of the judgment and decree dated 23.12.2021 (Annexure P-3) and further proceedings in Execution Application No. EXE-14-2022 title ‘*Meer Khan Vs. Fakru and others*’, shall remain stayed.

8. Pending misc application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)  
JUDGE

01.04.2026  
Ali

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |