

2026:PHHC:061749



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

CR-3447-2026

Date of Decision: 23.04.2026

BIKKAR SINGH (SINCE DECEASED) THROUGH LRS

....Petitioner

Versus

SUKHDEV SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

Present revision petition under Article 227 of Constitution of India has been preferred by petitioner/defendant being aggrieved by impugned order dated 27.02.2026 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Nihal Singh Wala, Moga vide which objections filed by petitioner/defendant in execution filed for implementation of judgment and decree dated 07.12.2007 was dismissed.

2. Facts are not much in dispute. Respondent/plaintiff had filed a suit for permanent injunction seeking to restrain petitioner/defendant from forcibly, illegally and without due course of law from obstructing/ demolishing pucca water-course and passage two karams wide, or from interfering in any manner with the possession of respondent/plaintiff over khasra No.29//14/1 and 29/14/2. The said suit for permanent injunction was duly decreed vide judgment and decree dated 07.12.2007.

3. It is admitted fact between the parties that decree has since attained finality. Subsequently during the subsistence of directions against petitioner/defendant, present execution was preferred in the year 2021 with allegations that petitioner/defendant has demolished part of water course and has raised obstruction against the usage of passage of two karams against the directions contained in judgment and decree dated 07.12.2007.

4. Learned executing Court after taking into consideration provisions of Order XXI Rule 32(5) CPC concluded that learned executing Court is within its power to take active steps to ensure that decree for permanent injunction is fully complied with.

5. Learned counsel for the petitioner/defendant on the other hand, has argued that learned executing Court has erred in entertaining the execution petition which was filed in 2021 for implementation of decree dated 07.12.2007 and, therefore, execution petition is time barred. However, in the present case, perpetual permanent injunction against petitioner/defendant has been passed, he has now been restrained for all times from interfering or demolishing the water-course or passage of two karams. Therefore, limitation for execution in the present case if such violation takes place would be 12 years from the date of such violation. Respondent/plaintiff has specifically stated that demolition has taken place recently just prior to filing of execution petition, therefore, the contention/objection raised on behalf of petitioner/defendant that execution petition is barred by limitation cannot be sustained. The order passed by executing Court is upheld. Revision petition is without any merit, hence is dismissed.

6. Pending application(s), if any, is/are disposed of accordingly.

23.04.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No