

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****138****CR-3718-2026 (O&M)****Date of decision: 04.05.2026****Gurbachan Singh and another****...Petitioner(s)****Vs.****Naresh Kumar and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Rohit Joshi, Advocate
for the petitioners.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the defendants No.1 and 2/judgment debtors seeking setting aside of the order dated 19.02.2026 (Annexure P-6) passed by the learned Additional Civil Judge (Senior Division)/ Executing Court Dasuya; whereby objections filed by the petitioners on the ground that execution is not maintainable, have been dismissed.

2. The brief facts of the case in chronological order are as under:-

04.02.2016: The respondent No.1/plaintiff/decreed holder had filed a Civil Suit dated 04.02.2016 for possession as per fard jamabandi for the year 2010-2011.



25.10.2018: Vide judgment and decree dated 25.10.2015 (Annexure P-2), suit of the plaintiff was decreed, and defendants/petitioners were directed to handover the possession in 2 months.

30.08.2025/25.09.2025: Respondents had filed execution application (Annexure P-3).

15.01.2026: Petitioners filed objections dated 15.01.2026 (Annexure P-4) to the execution application.

17.01.2026: Respondents had filed reply dated 17.01.2026 (Annexure P-5) the objections raised by the petitioner.

19.02.2026: Vide impugned order dated 19.02.2026 (Annexure P-6), objections of the petitioners have been dismissed; and warrants of attachment of property of petitioner/judgment debtors has been issued.

Hence, the present Revision Petition.

3. It is *inter alia* submitted by learned counsel for the petitioners that impugned order dated 19.02.2026 (Annexure P-6) is unsustainable as the Executing Court while passing the impugned order, has failed to consider that no demarcation has been conducted to identify the property. It is submitted that petitioners are in possession of the property in dispute which pertains to adjacent land and is distinct from the property covered under the decree. Earlier the petitioners have filed a Civil Suit regarding the same property which was decided in their favour in the year 2013; thereby affirming their rights and possession. However thereafter, the respondent had filed another suit which was decreed in the year 2018. It is contended that the Executing Court failed



to appreciate that the present Execution Petition is not maintainable as the judgment debtors are not in possession of khasra No. 2443 (7-17) which the respondent No.1/deGREE holder alleges to have purchased from the Central Government. It is contented that the decree holder is harassing the petitioners. Moreover, the Report of the Tehsildar on the basis of which, suit of decree holder was decreed, was at the back of the judgment debtors and is an imaginary Report.

4. It is accordingly prayed that the present Revision Petition be allowed; and the impugned order be set aside.

5. No other argument is raised on behalf of learned counsel for the petitioners. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions of the petitioners.

6. Perusal of the record shows that suit of the plaintiff had been decreed vide judgment and decree dated 25.10.2015 (P-2), as follows: -

"It is ordered that the suit of the plaintiff is decreed without costs and plaintiff is entitled for possession of land measuring 7 kanals 17 marlas in khasra no.2443. Further defendants are directed to gave possession of the suit land measuring 7 kanals 17 marlas in khasra no.2443 to the plaintiff within two months."

7. The only primary objection raised by the petitioners to the execution is in para 2 of the objections dated 15.01.2026 (Annexure P-4) as follows: -

"2 That present execution is not maintainable as the JDs are not in possession of Khasra No. 2443 (7-17) which the



property the decree holder alleges to have purchase from central government. The decree holder is harassing the JDs as the JDs have obtained a decree of Hon'ble Court against Wazir Chand and the present DH Naresh Kumar. The report of Tehsildar by which the suit of DH was decreed was at the back of JDs and is an imaginary report. It is specifically stated by the JDs that they are neither in possession of Khasra NO. 2443 (7-17) nor they have cultivated the same. The Jds have no objection if the DH cultivate the said land. In fact the execution application is moved with ulterior motive and design to interfere in the land of JDs by the DH to which the Hon'ble Court has already given protection. While decreeing the suit of JDs by the Hon'ble Court of Sh. Akbar Khan Civil Judge (Jr.Div) Dasuya on 11-12-2013. The JDs never disobeyed the Decree as alleged in the execution application. Once the claim of the DH has already admitted by the JDs, then there is no need to adopt coercive methods. The JDs have no objection if the property of DH be demarcated by appointing a Local Commissioner to demarcate the disputed khasra No. 2443 (7-17) situated in village Dadial H.B. No. 640 Tehsil Dasuya District Hoshiarpur. The property of JDs is situated in village Aglor Tehsil Dasuya District Hoshiarpur. Since the property is situated on the boundary line of village Dadial, the intention of the DH to cross the boundary and encroach upon the land of JDs through the present execution."

8. The said assertions of the petitioners were denied by the respondent No.1/decreed holder in his reply (Annexure P-5). The impugned order reveals that the said objections have been dealt with cohesively. It is but trite that if the judgment debtors are not in possession of decreed khasra No. 2443 (7-17), they have no reason or



ground to oppose enforcement of judgment and decree dated 25.10.2018 as they have specifically stated in Grounds of Revision as well as their above, reproduced Objections, that they are neither in possession nor cultivating the said property. Contention of the petitioners that respondent is encroaching upon land of petitioners, remains unsubstantiated. Even contention of the petitioners that Report of Tehsildar on the basis of which the suit was decreed, was passed at the back of judgment debtors is incorrect as perusal of the judgment dated 25.10.2018 (Annexure P-2) shows that the petitioners were appearing through counsel and case has been decided on merits.

9. In any event, the Executing Court cannot go behind the decree and is bound to execute the suit as decreed. Further, it has been observed in the impugned order dated 19.02.2026 that *“Moreover, keeping in view the no objection on the part of the Jds there is no need to demarcate the property in dispute by appointment of local commissioner.”*

10. In view of the above, present Revision Petition stands **dismissed.**

11. Pending application(s) if any also stand(s) disposed of.

04.05.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No