



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

**Civil Revision No. 5414 of 2023 (O&M)  
Date of Decision: 12.02.2026**

Sunder (now deceased) through LR

..... Petitioner

**Versus**

Lala Ram through LRs and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Ashok Kaushik, Advocate  
for the petitioner/defendant-Judgment Debtor

Mr. Aman Arora, Advocate with  
Mr. Mukesh Yadav, Advocate  
for contesting respondent No. 1/plaintiff(s)-Decree Holder(s).

None for respondent No. 2.

Ms. Komal Sharma, DAG, Haryana  
for respondent Nos. 3 to 5.

None for respondent No. 6.

Petition qua respondent Nos. 7 & 8 stands dismissed as  
not pressed vide order dated 28.10.2025.

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**HARKESH MANUJA, J. (ORAL)**

By way of present revision petition, challenge has been laid to  
an order dated 18.07.2023 (Annexure P-10) passed by the Court of learned  
Civil Judge (Junior Division), Hodal, whereby an application moved by one  
of the applicants-legal representatives of Lala Ram/respondent No.1 (since  
deceased), namely, Smt. Gomti wife of Ramhet (Decree-Holder) for seeking  
appointment of Local Commissioner was allowed, while appointing the  
Tehsilsar, Hodal as Local Commissioner so as to demarcate the *rasta* in

dispute bearing Khasra No.537.

[2] I have heard learned counsel for the parties and gone through the averments made in the present petition.

[3] In the present case, the impugned order has been passed in the execution proceedings arising out of judgment and decree dated 28.02.2009 passed by the Court of learned Civil Judge (Junior Division), Palwal, in a suit for permanent injunction filed at the instance of respondent No. 1-Decree Holder(s). The operative para-19 from the judgment and decree dated 28.02.2009 is extracted hereunder:-

***“ISSUE NO. 9: RELIEF***

***19.*** In view of my findings on the aforesaid issues, the suit of the plaintiffs partly succeeds qua permanent injunction and the same is hereby decreed partly, with no order as to costs. A decree for permanent injunction restraining the defendants from causing any obstruction and hindrance in the use and enjoyment of the rasta in dispute bearing Khasra No. 537 from raising any construction or making any encroachment over the said Rasta and from changing the nature of the said Rasta, mentioned in para no. 3 of the plaint, illegally and forcibly, is hereby passed in favour of the plaintiffs and against the defendants. Suit of the plaintiffs is partly dismissed qua mandatory injunction. Decree-sheet be drawn accordingly and file be consigned to record room.”

[4] Based thereupon, respondent No. 1-Decree Holder moved an application under Order 21, Rule 32 CPC for enforcement of the aforesaid judgment and decree dated 28.02.2009. A perusal of the said decree dated 28.02.2009 shows that by virtue thereof, the Judgment Debtor(s) were restrained from causing any obstruction or hindrance in

the use and enjoyment of the *rasta* in dispute bearing Khasra No.537. No decree for mandatory injunction was passed regarding removal of any existing construction thereupon. From the entire record, it cannot be discerned that the Judgment Debtor(s) ever raised any construction or made any encroachment over the *rasta* in dispute after the passing of the aforesaid judgment and decree dated 28.02.2009. No specific date, month or year has been mentioned in any of the pleadings by respondent No. 1-Decree Holder(s) before the learned Executing Court. In such circumstances, there is no purpose of appointment of Local Commissioner in the case in hand especially when the stand of the petitioner-Judgment Debtor remains that he shall continue to remain bound by the judgment and decree dated 28.02.2009.

[5] In view of the aforesaid observations, the impugned order dated 18.07.2023 (Annexure P-10) passed by the Court of learned Civil Judge (Junior Division), Hodal cannot be sustained in the eyes of law and the same is hereby set aside.

[6] The present petition stands **allowed**.

[7] Pending miscellaneous application(s), if any, shall also stand disposed off.

February 12, 2026

*'dk kamra'*

( HARKESH MANUJA )  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |