



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

122

CR-941-2026 (O&M)

Date of decision: 11.03.2026

Ranbir @ Ranjit Singh and others

...Petitioner(s)

Vs.

Zile Singh Yadav and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rakesh Dhiman, Advocate for the petitioners.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the petitioners/judgment debtors against the order dated 04.09.2025 (Annexure P-5); whereby objections filed by the petitioners, have been dismissed.

2. Learned counsel for the petitioners *inter alia* submits that learned Executing Court was in error in dismissing the objections filed by the petitioner by erroneously holding that the objections relate to merits of the case, which already stood decided in the suit and subsequent Appeal filed by the petitioners; and on the ground that Executing Court cannot go behind the decree by citing **Pardeep Mehra vs. HariJivan J. Jethwa 2024 (1) CCC 113 (SC)**, **Radhey Shyam Gupta vs. PNB 2009 (2) CCC 529 (SC)** and **Haryana Vidyut Parsaran Nigam Ltd. vs. Gulshan Lal 2009 (4) CCC 365 (SC)**.



3. Learned counsel for the petitioners submits that the above said reasoning of the Executing Court is incorrect as it failed to appreciate that the decree itself is vague, ambiguous and wholly incapable of execution as it merely directs removal of "*the wall erected at point E in front of gate of the house of the plaintiff between points X and Y duly shown in the site plan Ex.P1*" without specifying critical details such as height, length, thickness, material, exact coordinates individual/joint liability of the multiple judgment debtors, rendering it non-executable without further adjudication by the executing court which is impermissible under Order XXI Rule 32 CPC requiring precision in mandatory injunction decrees to enable compliance without fresh enquiry. Even the site plan Ex.P1 lacks measurements or technical details creating practical impossibility in execution. The Executing Court has committed material irregularity by completely ignoring this specific objection despite no rebuttal from the decree holder and despite settled law that vague decrees for mandatory injunction are unenforceable, amounting to failure to exercise jurisdiction under Section 47 CPC read with Order XXI Rule 32 CPC.

4. It is further submitted by learned counsel for the petitioners that the objection was also specifically raised that the decree was obtained by fraud and suppression of material facts inasmuch as the decree holder suppressed the historical customary division of the village into Thola Dhola and Thola Kala with exclusive rights of petitioners over the disputed gali as established by petitioners' evidence. It is contended



that the decree holder misrepresented the gali as public without producing any revenue record, jamabandi, village map or Gram Panchayat resolution despite burden under Section 101 Evidence Act, and installed a recent gate with mala fide intent to harass the petitioners as admitted in prior police disputes where decree holder apologized. A decree obtained by fraud or suppression rendering it a nullity is non-executable under Section 47 and the Executing Court cryptically dismissed this ground without any adjudication despite it being a triable issue requiring evidence and petitioners' favourable evidence remaining un-rebutted, making the order illegal.

5. Learned counsel for the petitioners further submits that both courts below committed grave violation of natural justice and procedural irregularity by failing to frame specific issue under Order XIV Rule 1 CPC on the core dispute whether the disputed gali was gali sare aam or private pathway exclusive to petitioners' thola despite pleadings and evidence raising it squarely, and the appellate court compounded the error by not framing points for determination under Order XLI Rule 31 CPC despite petitioners' evidence (DW1, DW2, Ex.D1) favouring private nature versus decree holder's failure to prove public character. Such procedural lapses render the decree defective and unenforceable in execution as principles of natural justice and mandatory procedural compliance are integral to Section 47 CPC enquiry, and the Executing Court illegally overlooked this.



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

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

8. Brief facts of the case in chronological order are as follows: -

07.09.2016: The respondent No.1/plaintiff/decreed holder had filed a civil suit for mandatory injunction on dated 07.09.2016.

03.12.2019: The said suit of the plaintiff was decreed by the learned Trial Court vide judgment and decree dated 03.12.2019 (Annexure P-1); thereby directing the petitioners/defendants to remove the wall erected at point E in front of gate of the house of the plaintiff between points X and Y shown in site plan Ex. PI within thirty days of passing the judgment.

19.12.2019: On 19.12.2019, petitioners had filed Civil Appeal No. 337 of 2019 against the above said judgment dated 03.12.2019.

31.01.2023: Vide judgment and decree dated 31.01.2023 (Annexure P-2), the said Civil Appeal of the petitioners was dismissed.

Nil: Subsequently, respondent No.1/plaintiff/decreed holder had filed Execution Application dated nil (Annexure P-3).

Nil: Petitioners/judgment debtors had filed objections dated nil (Annexure P-4) to the said Execution Application.



04.09.2025: Vide the impugned order dated 04.09.2025 (Annexure P-5), objections of the petitioners have been dismissed.

06.02.2026: Petitioners have filed RSA-2037-2023 laying challenge to judgments and decrees dated 03.12.2019 and 31.01.2023, which was dismissed vide order dated 06.02.2026.

9. Perusal of the present Revision Petition as also the afore-noted submissions made on behalf of the petitioners amply establish that by way of the dismissed objections, the petitioners were seeking to challenge the concurrent findings returned against the petitioners. Clearly, no valid objections as per permissible under law have been raised by the petitioners. A perusal of the objections (Annexure P-4) filed by the petitioners before the learned Executing Court also reveal that vide the said objections, petitioners are in-fact seeking to challenge the correctness of the decrees and are making submissions on merits of the matter, which are already decided conclusively.

10. In any event, all the above arguments/objections raised by the petitioner are liable to be outrightly rejected in view of the following findings as recorded by the coordinate Bench of the court in para 9 of the order dated 6.02.2026, while dismissing the RSA-2037-2023: –

“9. In the present case, PW1-Zile Singh appeared and filed his affidavit (Ex.PW1/A) in examination-in-chief. He was subjected to a lengthy cross-examination, however, nothing could be extracted from the said witness in the cross-examination. The second witness examined by the plaintiff-respondent No.1 was Raghbir Singh as PW2 who had



tendered his affidavit in examination-in-chief as Ex.PW2/A. He had also stated that the gates had been put about 50 years ago when the house was constructed and that in the southern side of the house there was a Gali Sare Aam which was made pucca by the Gram Panchayat and that he was the Sarpanch of village Samar Gopalpur and the construction was done under his supervision. He had also stated that water pipeline and electricity poles have also been erected in the said gali and that the gate at Points X & Y was being used for ingress and egress by the plaintiff-respondent No.1 and his family members. PW3 Trilok Chand also corroborated the statements of PW1 and PW2. DW3 Shiv Kumar Sarpanch, in his cross-examination, admitted that the gali in dispute is owned by the Gram Panchayat and no particular caste or particular Thola has any concern with Panchayat land. The gate opened in the street marked as X & Y in the site plan (Ex.P1), where the defendant-appellants are stated to have erected a wall, belongs to the Gram Panchayat. Though it was the stand taken by the defendant-appellants and also argued by the learned counsel for the defendant-appellants that the street was a private street, however, not an iota of evidence has been led to even remotely suggest that the street was their private street. Rather, the witnesses who appeared in the witness box deposed to the contrary.”

11. Learned counsel for the petitioners is unable to controvert or dispute the above said facts and findings.

12. Hence, no ground is made out for interference in impugned order. Accordingly, present Civil Revision Petition stands **dismissed**.



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

11.03.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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