

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

Civil Revision No. 3261 of 2012 (O&M)

Date of decision : 31.5.2012

Balwinder Singh

..... Petitioner

VS

Manju and others

..... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. C. M. Munjal, Advocate, for the petitioner.

Rajesh Bindal J.

Challenge in the present petition is to the order dated 3.5.2012 passed by the learned court below whereby the objections filed by the petitioner in execution of decree dated 4.2.2008 passed against his deceased brother Surinder Singh, were dismissed.

Briefly the facts are that the plaintiffs/ decree-holders filed a suit for possession being owners against Surinder Singh. Prayer was also made for recovery of compensation for use and occupation of the property. The suit was decreed on 4.2.2008. In execution, the petitioner claimed that he being the legal representative of deceased- Surinder Singh has, in fact, inherited tenancy and as such could not be evicted from the suit land. The objections filed by him were required to be decided after framing the issues.

After hearing learned counsel for the petitioner, I do not find any merit in the submissions made. As is evident from the material on record, the suit filed by the plaintiffs against deceased Surinder Singh was decreed. In execution, even warrants of possession were issued. The petitioner claimed himself to be the legal representative of deceased Surinder Singh stating that he died unmarried. Firstly, the decree had attained finality against the occupant of land in whatever capacity it is possessed by the deceased. Secondly, the learned court below has noticed that the petitioner in the present case had not been able to produce on record

any document to show that in what capacity or right he is claiming possession of the suit property.

For the reasons mentioned above, I find no merit in the submission made. Accordingly, the present petition is dismissed.

31.5.2012
vs.

(Rajesh Bindal)
Judge