

**132 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR No.3238 of 2025****Date of Decision: May 26, 2025****Rajeev Kumar****. . . . Petitioner**

Vs.

Haryana Wakf Board Ambala
and others**. . . RESPONDENTS****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Gaurav Mohunta, Advocate for the petitioner.**DEEPAK GUPTA, J.**

Petitioner herein is third party objector in execution case No.Exe.12-2018 titled as "*Haryana Wakf Board v. Ravi Kumar and others*". The objections filed by him have been dismissed by the Executing Court by way of impugned order dated 17.05.2025 (*Annexure P-1*), which has been assailed before this Court.

2. As the paper book would reveal, the suit for permanent injunction was filed by Haryana Wakf Board - decree holder (respondent No.1 herein) against Ravi Kumar and others way back in July, 2011. Said suit was decreed on 04.11.2015 by learned Civil Judge (Sr. Divn.), Jhajjar, whereby defendants were directed to hand over the vacant possession of the suit property to the plaintiff - Haryana Wakf Board. None of the defendants assailed the said decree, which attained finality.

3. Execution petition was filed by the decree holder - Haryana Wakf Board, wherein the present petitioner filed objections under Order 21 Rule 97 CPC. The same were dismissed by the Executing Court on 30.09.2023 (*Annexure P-11*). The appeal against the said order was dismissed by the Appellate Court on 04.01.2024 (*Annexure P-13*). Still not satisfied, petitioner herein filed CR No.6201 of 2023 before this Court, but the same was dismissed as withdrawn with liberty to avail alternative remedies vide order dated 23.10.2024 (*Annexure P-15*). He then filed ESA No.15 of 2025 before this Court, which was dismissed

on 21.02.2025 (*Annexure P-14*). Petitioner then filed a separate suit assailing the validity of the judgment & decree dated 04.11.2015. That suit is still pending. Thereafter, he moved an application/fresh objection before the Executing Court so as to stay the proceedings in the execution petition till the decision of separate suit filed by him. That application/objection has been dismissed by way of the impugned order.

4. It is contended by learned counsel for the petitioner that suit filed by Haryana Wakf Board was only for seeking a decree of permanent injunction and therefore, the decree for possession therein could not have been granted and as such, decree dated 04.11.2015 is nullity and could not be executed.

5. This Court does not find merit in the contention. Concededly, none of the defendants of Civil Suit No.431 of 2011, in which the decree dated 04.11.2015 was passed, assailed the said judgment & decree on any ground whatsoever and so, the same attained finality. It is also not in dispute that petitioner being a third-party objector has already availed the efficacious remedy available to him in accordance with law by filing objections under Order 21 Rule 97 CPC in the execution filed by the decree holder - Haryana Wakf Board. The said objections were dismissed and the order was maintained up to this High Court. In these facts and circumstances, simply because he has filed separate suit to assail the judgment & decree dated 04.11.2015, could not have been the reason to stay the execution proceedings initiated by Haryana Wakf Board. The fresh application as moved by him before the Executing Court and the present revision petition clearly appears to be an attempt on the part of the petitioner to prolong his illegal possession, which has been found by the Courts below to be in the capacity of trespasser.

6. In view of the aforesaid discussion, this Court finds the present revision petition to be devoid of any merit. As such, the same is hereby dismissed.

May 26, 2025

Sarita

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No