

**IN THE HIGH COURT OF PUN JAB AND HARYANA AT CHANDIGARH****137****CR-2544-2025 (O&M)****Date of Decision : 28.04.2025**

Kashmir Singh

....Petitioner

VERSUS

Gurmail Singh and Others

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Ms. Rishma Verma, Advocate for the petitioner.

**ALKA SARIN, J. (Oral)**

1. Present revision petition has been filed challenging the order dated 09.04.2025 whereby the application filed by the petitioner-judgment debtor No.1 for demarcation of the land in Execution No.EXE/71/2023 titled 'Gurmail Singh & Ors. vs. Kashmir Singh & Ors.' has been dismissed.

2. The brief facts relevant to the present *lis* are that the decree-holders (respondent Nos.1 to 3 herein) filed a suit for possession, which was decreed on 04.12.2014. In the suit possession of 08 Kanals out of Khasra No.32 Min South, Khata No.185/248 and 04 Marlas out of land measuring 14 Kanals 03 Marlas of Khasra No.32 Min. North, Khata No.185/247 was claimed. It was the case set up by the decree-holders that the judgment-debtor Nos.1 to 5 are in illegal possession of 08 Kanals of land out of Khasra No.32 Min. South, Khasra No.185/248. The judgment-debtor No.1 – Kashmir Singh – who is petitioner herein, is the only contesting party. The plea regarding defendant Nos.6 to 9 was not pressed and the decree-holders pressed their claim in the suit only qua defendant Nos.1 to 5 that too with

regard to 08 Kanals of land as noticed above. The stand taken by the judgment-debtor Nos.1 to 5 was that they are in adverse possession of 08 Kanals of land out of Khasra No.32 Min. South, Khasra No.185/248. However, vide judgment and decree dated 04.12.2014 it was held that the judgment-debtor Nos.1 to 5 failed to prove their plea of adverse possession and it was held that the decree-holders were entitled to possession of 08 Kanals out of Khasra No.32 Min. South, Khasra No.185/248. It is to be noted that during the trial no dispute qua the identity of the suit property was ever raised. In the execution petition an application was filed only by judgment-debtor No.1 (petitioner herein) for demarcation of the land measuring 08 Kanals 04 Marlas. Reply was filed to the said application. Vide the impugned order dated 09.04.2025 the said application has been dismissed. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel appearing on behalf of the petitioner-judgment debtor No.1 would contend that since the property is unpartitioned property, hence demarcation would be required and that the Executing Court has erred in dismissing the application.

4. Heard.

5. In the present case it has been noticed by the Executing Court that there was no dispute regarding the identity of the property and the same is also apparent from the perusal of the judgment and decree dated 04.12.2014 (Annexure P-4) wherein no dispute was raised by the petitioner-judgment debtor No.1 qua the identity of the property. The Executing Court

has further noticed that the property was easily identifiable. The judgment and decree in the present case was passed on 04.12.2014 and the execution was filed 09 years after the passing of the judgment and decree i.e. on 21.10.2023. There is no error of jurisdiction or irregularity in the impugned order warranting any interference by this Court.

6. Hon'ble Supreme Court in the case of **Periyammal (dead) through LRs & Ors. V/s V. Rajamani & Anr. [2025 SCC Online (SC) 507]** has issued following directions :

*“75. In view of the aforesaid, we direct all the High Courts across the country to call for the necessary information from their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports.”*

7. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed. The Executing Court is directed to strictly comply with the directions of the Hon'ble Supreme Court in the case of **Periyammal** (*supra*). Pending applications, if any, also stand disposed off.

28.04.2025

jk

( ALKA SARIN )  
JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO