



CR No. 6549 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6549-2025 (O&M)
Decided on : 16.09.2025**Shree Krishna Gaushala Charitable Trust
(Panchkula) through its Manager**

.....Petitioner

VersusThe Haryana Co-operative Joint
Farming Society Ltd., Saketri.

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:** Mr. S.D. Bansal, Advocate,
Mr. Jeevan Gautam, Advocate and
Mr. Punit Jain, Advocate
for the petitioner.**DEEPAK GUPTA, J.**

Petitioner herein is the judgment debtor before the learned Additional Civil Judge (Sr. Divn.), Panchkula in execution case No. 24 of 2025 titled as '*The Haryana Cooperative Joint Farming Society Limited Vs. Shree Krishna Gaushala Charitable Trust*'. Petitioner is aggrieved by the order dated 28.08.2025 (*Annexure P-2*), whereby the objections in execution filed by them have been dismissed. Petitioner also assails the order dated 09.09.2025 (*Annexure P-3*), whereby warrants of possession have been directed to be executed.

2. It is contended by learned counsel for the petitioner that identity of the property, which is alleged to be under encroachment of the petitioner-JD has not been established and till the same is established, the warrants of possession cannot be executed and that objections have been wrongly rejected.

3. It will be apt to reproduce the impugned order dated 28.08.2025 (*Annexure P-2*) by the trial Court:-

"Reply to the objections on behalf of decree holder not filed and statement has been made that they do not want to file the same. It has

**CR No. 6549 of 2025**

been argued on behalf of decree holder that matter has been settled till Hon'ble High Court and RSA filed by the judgment debtor has been dismissed vide order dated 18.02.2025 passed in RSA-1765-2011.

2. Sh. Rajeev Kumar Gupta, Advocate for the judgment debtor would argue that firstly, judgment debtor has approached the Hon'ble Supreme Court of India against the judgment dated 18.02.2025 passed by Hon'ble High Court, therefore, present execution petition may kindly be put in abeyance till the time, matter is entertained by the Hon'ble Supreme Court of India. He would further argue that decree holder be directed to produce its sale deed so that it can be checked, upon which portion, judgment debtor is allegedly in illegal possession. **In the humble opinion of this Court, the matter regarding illegal and unauthorized occupation of the defendant/judgment debtor has been settled till Hon'ble High Court. Therefore, that material question cannot be reopen and re-ignited again.** Moreover, there was a demarcation report obtained during the course of trial, reference to which has been even given in para No.6 of the order dated 18.02.2025, accordingly, there is no confusion about the portion, where judgment debtor is in illegal occupation. Moreover, in absentia of any stay, regarding operation of the judgment in question, merely on the basis of pendency of SLP before the Hon'ble Apex Court, present execution petition cannot be scuttled with. For this, reference can be made to case law titled as "**Periyammal (Dead Thr. LRs.) Vs. V. Rajamani, 2025 SCC online SC 507**". Hence, objections filed on behalf of judgment debtor stands dismissed, being meritless. Now, to come upon 09.09.2025 and for that date, let, warrants of possession be issued after necessary compliance by the decree holder. It is hereby made clear that in case, there will be any stay shown at the spot, then, warrants of possession will be returned as unexecuted."

4. It is evident from the aforesaid order that dispute between the parties regarding encroachment has been decided upto Hon'ble Supreme Court. There is also reference of demarcation report in the judgment dated 18.02.2025 passed by this Court and by referring to the same, it has been

**CR No. 6549 of 2025**

found by the Executing Court that there was no confusion about the portion, which was in illegal occupation of the JD i.e. petitioner herein.

5. In the aforesaid facts and circumstances, this Court does not find any illegality or perversity in any of the impugned orders passed by the Executing Court dated 28.08.2025 vide which objections of the JD were dismissed and dated 09.09.2025, whereby warrants of possession have been ordered to be executed.

6. As such, finding no merit in the instant revision petition, the same stands dismissed.

16.09.2025**(DEEPAK GUPTA)
JUDGE**

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