



**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 2503 of 2023**

**Date of Decision: 04.03.2025**

Ram Lal

... Petitioner(s)

Versus

Gram Panchayat, village Hansawala, Tehsil Tohana, District Fatehabad and  
Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. D.P.S.Bajwa, Advocate  
for the petitioner(s).

Mr. Mohan Singla, Advocate  
for respondent No.1.

Mr. Jasdev Singh Thind, Advocate  
for respondents No.3, 4, 8 and 12.

**Anil Kshetarpal, J.**

1. The plaintiffs have filed a suit for the grant of decree of permanent injunction against the Gram Panchayat which was decreed on 25.01.2006 granting limited injunction in their favour while restraining the defendants from interfering in their peaceful possession except in due course of law.

2. The dispute is with regard to a narrow strip of property which is claimed to be forming a part of the street by the Gram Panchayat. The Gram Panchayat had made it pucca by laying paver blocks. The petition filed by the petitioner under Order XXI Rule 32 of the Code of Civil Procedure,

1908 (hereinafter referred to as “CPC”) has been dismissed by the Court on the ground that the petitioner has failed to prove the willful violation of the injunction decree.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4. The learned counsel representing the petitioner, while referring to his application submitted before the Sub Divisional Magistrate, Tohana, on 15.06.2017, submits that there is violation of the decree. Order XXI Rule 32 CPC provides for implementation of an injunction decree. Hence, the decree holder is required to prove that there was any willful default on the part of the judgment debtor. The decree for injunction can be enforced by attachment of the judgment debtor’s property or by his detention in the civil prison. Before taking such steps, the Executing Court is required to record a finding that there was any willful violation. Mere filing of an application before the Sub Divisional Magistrate would not prove willful violation. In any case, the plaintiff has a remedy under the Punjab Village Common Lands (Regulation) Act, 1961, to file a suit for declaration with consequential relief of possession.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders. Hence, the present revision petition is dismissed.

**(Anil Kshetarpal)**  
**Judge**

**March 04, 2025**

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No