



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

327

CR-1012-2019 (O&M)

Date of Decision : 05.05.2025

THE LUDHIANA IMPROVEMENT TRUST

... Petitioner

VERSUS

SAJJAN SINGH AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.C. Garg, Advocate for the petitioner.

Mr. K.S. Boparai, Advocate for respondent No.1/decree holder.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 11.10.2018 (Annexure P-4) passed by the learned Civil Judge (Junior Division), Ludhiana dismissing the objections filed by the petitioner herein and further granting the petitioner, i.e. The Ludhiana Improvement Trust, one last opportunity to correct its record.

2. Brief facts relevant to the present *lis* are that respondent No.1-decree holder herein filed a suit for possession and mandatory injunction which was partly decreed by the Trial Court and only relief of possession was granted to respondent No.1-decree holder. The First Appellate Court upheld the judgment and decree of the Trial Court. Aggrieved by the same respondent No.1-decree holder herein preferred a Regular Second Appeal being RSA-742-2009. Vide order dated 04.11.2009 the said appeal was

allowed and the suit of respondent No.1-decree holder was decreed in *toto* for mandatory injunction. The mandatory injunction sought in the suit was against the petitioner herein i.e. the Ludhiana Improvement Trust in respect of its omission to perform its statutory duties by not incorporating the name of respondent No.1-decree holder, the actual owner of the property in question, in the relevant records. In the execution application, objections were filed by the petitioner herein which were dismissed vide the impugned order dated 11.10.2018 and further directions were given to it to comply with the order dated 04.11.2009 passed by this Court in RSA-742-2009. Hence, the present revision petition by the petitioner.

3. Learned counsel for the petitioner would contend that the objections taken were that the property in question had been acquired and compensation had already been paid to respondent No.1-decree holder.

4. *Per contra*, learned counsel for respondent No.1-decree holder had pointed out that in the written statement filed by the petitioner itself, it was admitted that the property in dispute was exempted from acquisition proceedings and hence the question of receiving any compensation qua the same would not arise.

5. Heard.

6. In the present case, after dealing with all the contentions, this Court vide order dated 04.11.2009 passed in RSA-742-2009 decreed the suit of respondent No.1-decree holder for mandatory injunction in *toto* directing the Improvement Trust, Ludhiana to incorporate the name of respondent

No.1-decree holder in the revenue record reflecting him as the owner of the suit property.

7. Learned counsel for the petitioner, today, on a query put by the Court as to whether it was factually correct that the suit property was exempted, is not in a position to deny the same.

8. In view of the above, there is no merit in the present revision petition and the same is accordingly dismissed.

9. The execution proceedings, in the present case, are pending since 2013. Keeping in view the law laid down by the Hon'ble Supreme Court in the case of **Periyammal (dead) through LRs & Ors. V/s V. Rajamani & Anr. [2025 SCC Online (SC) 507]** that all the execution petitions are to be decided within a period of six months, the Executing/Trial Court is requested to comply with the mandate in **Periyammal's** cases (supra) and expedite the hearing of the matter and to decide the same expeditiously. The Executing/Trial Court is further requested not grant any unnecessary adjournments to either of the parties.

10. It is made clear that any observations made herein shall not be treated as an expression of opinion on the merits of the case.

11. Pending applications, if any, also stand disposed off.

05.05.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*