



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CR-3928-2025 (O&M)
Date of decision: 08.07.2025**

Sanjay Chugh

...Petitioner(s)

Vs.

Kulbir Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. C.M.Munjaj, Advocate for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision Petition has been filed by the plaintiff under Article 227 of the Constitution of India, for quashing the order dated 19.05.2025 (Annexure P-7) passed by learned Additional District Judge, SAS Nagar District Mohali, whereby the stay application filed by the petitioner, who was the appellant in first appeal, was ordered to be dismissed.

2. Learned counsel for the petitioner *inter alia* submits that learned Additional District Judge, SAS Nagar, Mohali was in a patent error in dismissing the application of the petitioner seeking interim stay of the execution of the final decree dated 22.11.2024 as he failed to appreciate that in the final decree, the petitioner has been given no rasta to approach his house. Learned counsel submits that in view of the fact that no rasta has been given to the petitioner to approach his house, the final decree is in-executable. However, this fact has not been appreciated by the learned



Additional District Judge, SAS Nagar, Mohali while passing the impugned order. It is accordingly prayed that the present petition be allowed; and the impugned order dated 19.05.2025 (Annexure P-7) be set aside.

3. No other argument is raised on behalf of the petitioner.

4. I have heard learned counsel for the petitioner and perused the case file in great detail. I find no merit in the submissions made on behalf of the petitioner.

5. Brief facts of the case are that the petitioner had filed a suit for partition and permanent injunction which was allowed/decreed by the learned Civil Judge (Junior Division) Kharar and a preliminary decree dated 13.11.2017 (Annexure P-1) was passed in the following terms: -

“18. In view of my findings on the above issues, suit of the plaintiff succeeds and is hereby decreed. Preliminary decree is hereby passed to the effect that the plaintiff is entitled to get the separate possession of his share 1750/27900 in the suit land measuring 1K-11M comprised in khasra No. 168/31 situated in Village Karoran, H.B. No. 352, Tehsil Kharar, District SAS Nagar, Mohali, as fully detailed in the head note of the plaint, by way of metes and bounds. The suit of the plaintiff seeking the relief of permanent injunction is also hereby decreed and the defendants are restrained from raising any sort of construction and from alienating any specific portion in the suit land till partition by metes and bounds.”

6. Thus, Preliminary decree dated 13.11.2017 (Annexure P-1) was passed to the effect that plaintiff was entitled to get separate possession of his share.



7. Thereafter, on an application made by the defendant No.1/respondent No.1 herein, final judgment dated 22.11.2024 and decree dated 04.12.2024 (Annexure P-2) was passed by learned Additional Civil Judge (Senior Division), Kharar in terms of preliminary decree dated 13.11.2017. Aggrieved of the same, the petitioner filed appeal dated 27.03.2025 (Annexure P-3) before the learned District Judge, SAS Nagar, Mohali. Alongwith the said appeal, the petitioner had also filed an application (Annexure P-4) for staying the operation of the impugned judgment dated 22.11.2024 and decree dated 04.12.2024. However, the same is pending for 28.07.2025. Subsequently, the petitioner filed present application dated nil (Annexure P-6) before the learned District Judge, SAS Nagar, Mohali seeking interim stay on execution of final decree dated 22.11.2024/4.12.2024. Vide the impugned order, the said application of the petitioner has been dismissed.

8. It has been submitted by learned counsel for the petitioner that the said final decree dated 22.11.2024/04.12.2024 is in-executable as no rasta has been given to the petitioner to approach his house. However, the said objection was raised by the petitioner even before passing of final decree; and was duly considered by the learned Additional Civil Judge (Senior Division), Kharar at the time of passing the final judgment and decree dated 22.11.2024/4.12.2024 (Annexure P-2). The objection of the petitioner was rejected on the ground that the suit property is extremely small having total land of 1 Kanal 11 Marlas only. Even the said small area



has been apportioned amongst 3 parties being the petitioner and 2 other co-sharers Balbir Singh and Deepak Chandel. As such, it was not possible to give the petitioner a path from the small piece of land. Moreover, the Field Kanungo in his report has mentioned that even as per the revenue record, there was no path adjoining the house of the petitioner. It was also found that in the portion which fell to the share of the petitioner being khasra No. 168//31/2 *“towards the eastern side of his property, there is situated his plot and one rasta/passage adjoins that plot.”* As such contention of the petitioner that he has no access to his land/house, is incorrect.

9. In view of the undisputed facts as noted above, I find no ground is made out to interfere in the impugned order dated 19.05.2025 (Annexure P-7). The present Civil Revision Petition is hereby **dismissed**.

10. Pending application, if any, stands disposed of.

08.07.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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