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

CR-3294-2026 (O&M)

Date of Decision:20.04.2026

VARUN DOGRA THR. LR

...Petitioner

Versus

SUDHA DOGRA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Divya Menon, Advocate,
Mr. Aditya Sharda, Advocate and
Mr. Piyush Khanna, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

Present revision petition has been filed under Article 227 of the Constitution of India by petitioner/judgment debtor being aggrieved by impugned order dated 06.02.2026 (Annexure P-5) passed by learned Additional Civil Judge (Senior Division), Jalandhar whereby objections filed by JD-Virender Kumar Dogra were dismissed.

2. Facts of present case are that a dispute arose regarding properties owned by one Late Sh. Amar Nath Dogra who executed a registered Will dated 21.04.2010, on the basis of which both the parties are seeking their rights. Four suits seeking declaration and separate possession by way of partition were filed by LRs/persons claiming their share through Will executed by Late Sh. Amar Nath Dogra. The details of suits are as under:-

- I. Civil Suit No.I titled as "Virender Kumar Dogra Vs. Vishwapriya Dogra & Ors." (Instituted on 09.11.2011).



- II. Civil Suit No.II titled as “Dr. Savdesh Priya Dogra Vs. Virender Kumar Dogra & Ors.” (Instituted on 24.09.2013).
- III. Civil Suit No.III titled as “Vishwa Priya Dogra Vs. Virender Kumar Dogra & Ors.” (Instituted on 04.01.2012).
- IV. Civil Suit No.IV titled as “Sarv Priya Dogra Vs. Virender Kumar Dogra” (Instituted on 07.01.2012).

3. All the four suits were clubbed together and vide judgment and decree dated 07.08.2015 passed by learned Additional Civil Judge (Senior Division), Jalandhar following reliefs were granted in each of the suits:-

Relief of suit No.I:

37. Sequely, suit no.1 of the plaintiff Virender Kumar Dogra is partly decreed to the effect that Virender Kumar Dogra is co-owner in joint possession of property no. E-136, Preet Vihar, New Delhi as detailed in head note of the plaint, onwer of portion shown blue in site plan annexed with the Will Ex.D6 of property no. NM 183, Mohalla Karar Khan, Jalandhar, entitled to 1/5+1/30 share in the amount lying in the account of Amar Nath Dogra and defendants are restrained from interfering into peaceful possession of plaintiff and from alienating the portion shown blue in site plan annexed with Will Ex.D6.

Relief of Suit No.II:

38. Suit no.II of plaintiff Savdesh Priya Dogra is partly decreed to the effect that Savdesh Priya Dogra plaintiff of suit no.II is owner of shop mark C on the ground floor, mark CC and mark CCC of NM 183, Mohalla Karar Khan, Jalandhar shown red in site plan Ex.D3



(attached with suit no.II) fully detailed in the head note of the plaint, is exclusive possession of shop mark C of NM 183, Mohalla Karar Khan, Jalandhar, defendant no.1 is directed to hand over the vacant possession of portion marked CC and CCC out of property no. NM 183, Mohalla Karar Khan, Jalandhar after removal of illegal construction raised by him as detailed in the head note of the plaint. Plaintiff is owner in possession of shop marked D shown in green colour in site plan Ex.D3 (attached with suit no.II) forming part and parcel of property no. NM217, Circular road, Jalandhar and is owner of two chubaras marked as DA and DB as detailed in the head note of the plaint forming part and parcel of property no. NM 217, Circular road, Jalandhar and defendant no.1 Virender Kumar Dogra is directed to hand over the vacant possession of two chubaras marked as DA and DB situated on the first floor above property marked D which is part and parcel of property no. NM 217, Circular road, Jalandhar as detailed in the head note of the plaint. Plaintiff Savdesh Priya Dogra is co-owner in joint possession of property no. E-136, Preet Vihar, New Delhi and plaintiff of suit no.II Savdesh Priya Dogra is entitled to $1/5 + 1/30$ share of the movable assets left by Amar Nath Dogra.

Relief of Suit No.III:

39. Plaintiff of suit no.III Vishwa Priya Dogra is exclusive owner in possession of shop marked A shown green in site plan Ex.D4 (attached with suit no.III) part and parcel of property no. NM 217, Circular road, Jalandhar and is exclusive owner of chobara



marked as AA shown in the site plan Ex.D4, owner of one room marked B forming part and parcel of property no. NM 183, Mohalla Karar Khan, Jalandhar from ground floor upto sky, owner of portion shown green in colour in site plan Ex.D4 as detailed in the head note of the plaint. Plaintiff Vishwa Priya Dogra is owner of portion shown blue in colour in site plan Ex.D4 forming part and parcel of property no. NM183, Mohalla Karar Khan, Jalandhar as detailed in the head note and described in site plan Ex.D4. Defendant no.1 Virender Kumar Dogra is directed to hand over the vacant possession of chubara of property no. NM 217, Circular Road, Jalandhar shown in green colour in site plan Ex.D4. Defendant no.1 is further directed to hand over the vacant possession of room on ground floor shown in blue colour in site plan Ex.D4 which is part and parcel of property no. NM 183, Mohalla Karar Khan, Jalandhar. Defendant no.1 is further directed to hand possession of portion shown blue in colour in the site plan Ex.D4 on first floor of illegal construction measurement is as detailed in the head note of the plaint forming part and parcel of property no. NM 183, Mohalla Karar Khan, Jalandhar. Defendant no.1 is further directed to hand over the possession of portion shown blue in colour of property no. NM 183, Mohalla Karar Khan, Jalandhar situated on the second floor marked as BBB in the site plan Ex.D4 and detailed in the head note of the plaint. Plaintiff Vishwa Priya Dogra is declared coowner in joint possession of property no. E-136, Preet Vihar, New Delhi and plaintiff of suit no.III Vishwa Priya Dogra is entitled to $1/5 + 1/30$



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share of the movable assets left by Amar Nath Dogra.

Relief of Suit No.IV:

40. Suit No.IV of plaintiff Sarv Priya Dogra represented through legal heirs is partly decreed to the effect that legal heirs of Sarv Priya Dogra namely Smt. Kamlesh Dogra (widow), Yogeshwari Sharma (Daughter) and Sameeksha Dogra (Daughter) are exclusive owner of property no. N.N.174, Gopal Nagar, Jalandhar as detailed in the head note of the plaint. Defendant no.1 is directed to hand over the vacant possession of portion shown red in colour in site plan Ex.D5 (attached with suit no.IV) of house no. N.N.174, gopal Nagar, Jalandhar. Lrs of plaintiff Sarv Priya Dogra detailed above are declared co-owner in joint possession of property no. E-136, Preet Vihar, New Delhi to the extent of share of Sarv Priya Dogra and Lrs of plaintiff of suit no.IV Sarv Priya Dogra are in total entitled to $1/5 + 1/30$ share of the movable assets left by Amar Nath Dogra.

4. Thereafter, JD-Late Virender Kumar filed first appeal as well as second appeal before learned First Appellate Court as well as before this Court, however, both the appeals were dismissed.

5. The judgment and decree dated 07.08.2018, therefore, has attained finality upon dismissal of second appeal filed by JD-Late Virender Kumar by this Court on 22.09.2025.

6. In suit No.CS/53846-2013 titled as “Vishwa Priya Dogra Vs. Virender Kumar Dogra & Ors.” which was also decided vide judgment and decree dated 07.08.2018, an execution petition was filed seeking execution of judgment and decree dated 07.08.2018.

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7. The main objections raised on behalf of judgment-debtors were that the decree is not being complied with in totality rather is being enforced in a piecemeal manner. It is asserted that decree has to be implemented as per valuation given in Will dated 21.04.2010, which was subject matter of all the four suits.

8. However, I do not find any merit in the contentions raised by learned counsel for the petitioner/judgment-debtor. The merits of the case cannot be raised by way of objections in the execution petition. Since, the learned Executing Court has no power to go beyond the decree, the defense or grounds taken in suit cannot be re-appreciated by learned Executing Court. The learned Executing Court has to simply implement judgment and decree dated 07.08.2018.

9. Learned counsel for the petitioner/judgment-debtor has failed to show as to how the relief granted to him in suit No.I has not been implemented. A perusal of relief granted to present petitioner/judgment-debtor in suit No.I CS No.52679-2013 titled as “Virender Kumar Dogra Vs. Vishwa Priya Dogra & Ors.” clearly goes to show that he has already been held to be co-owner in joint possession of properties duly described in judgment and decree dated 07.08.2018 and held entitled to 1/5th + 1/30th share in the amount lying in the account of Late Sh. Amar Nath Dogra. It is not shown as to how when the petitioner/judgment-debtor is already held to be in possession and owner of suit property, further implementation is required by learned Executing Court. Moreover, if any relief is sought by petitioner/judgment-debtor as per judgment and decree dated 07.08.2018, he can always approach learned Executing Court for executing the decree granted in his favour but he cannot resist relief granted to others only on this



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basis. There is no merit in the present case. Revision petition is accordingly dismissed.

10. Pending application(s), if any, is/are disposed of accordingly.

20.04.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No