



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

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CR-3983-2026

Date of decision:12.05.2026

BAKHSHO

...PETITIONER

VERSUS

ARYA SAMAJ SABHA, RAHON AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Dinesh Nagar, Advocate
for petitioner.

PARMOD GOYAL, J. (ORAL)

Present Civil Revision Petition has been filed under Article 227 of the Constitution of India by petitioner, who is wife of judgment-debtor for setting aside impugned order dated 09.04.2026 (Annexure P-4) passed by learned Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar, whereby the objections filed by petitioner against warrants of possession of suit property were rejected.

2. Petitioner, who is wife of judgment-debtor, claimed possession of suit property on the basis of family settlement between her and judgment-debtor in the year 2007. It was asserted that matrimonial dispute had arisen between petitioner and judgment-debtor and with intervention of respectables of society vide family settlement, petitioner and judgment-debtor had mutually separated and petitioner along with her son are residing in suit property since the year 2007, which is subject matter of execution. It was also asserted that petitioner being in possession was never heard or given opportunity of hearing and therefore, she is not bound by decree and possession from her cannot be delivered to decree holder.

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3. In present case, vide judgment and decree dated 24.05.2023, judgment debtor i.e. defendant-husband of petitioner-objector was found to be a trespasser over the suit property and suit preferred by respondent-plaintiff was decreed. It was held that respondent-plaintiff was entitled to possession of suit property. The counter-claim preferred by defendant-judgment-debtor that he has become owner of suit property on the basis of adverse possession was dismissed as withdrawn. Defendant-judgment-debtor was ordered to hand over possession of the suit property within three months. Thereafter execution petition was preferred by respondent-plaintiff, wherein petitioner had appeared and filed her objections under Order XXI Rule 97-101 of Code of Civil Procedure, 1908 claiming her right to possession over suit property in view of settlement entered with defendant-judgment-debtor in the year 2007.

4. On consideration, I do not find any error with the impugned order. Admittedly, defendant-judgment-debtor had never asserted that he had ever agreed to part away with the possession to the petitioner, rather case of judgment-debtor was that he is in possession of suit property and had also claimed adverse possession over the suit property which falsifies the claim of petitioner raised in the objections. Moreover, petitioner is claiming her rights through defendant-judgment-debtor alone. When it is found that defendant-judgment debtor himself had no right over the suit property then anybody and everybody claiming through defendant-judgment-debtor is bound by decree and cannot claim any protection under provision of Order XXI Rule 97-101 of CPC. The possession of petitioner, at the most, can be stated to be permissive possession allowed by an encroacher who has been

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ordered to be evicted. Therefore, any person who has come into possession of suit property through judgment-debtor is bound by the decree and is bound to be evicted having no independent right of any independent hearing as he/she is claiming. Her rights are through judgment-debtor and not independently.

5. In view of above, present civil revision petition is dismissed being without any merit.

6. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

12.05.2026*Sunil Chander*

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>