

CNR No: PHHC010256622024

2024:PHHC:172957



112 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) ESA No. 11 of 2024 (O&M)

State of Haryana Through SDO (Civil) Loharu Appellant.

Versus

Neetu Dahiya Respondent.

(2) ESA No. 12 of 2024 (O&M)

State of Haryana Through SDO (Civil) Loharu Appellant.

Versus

Neetu Dahiya Respondent.

1	<i>The date when the judgment was reserved</i>	<i>03.07.2026</i>
2	<i>The date when the judgment is pronounced</i>	<i>10.09.2026</i>
3	<i>The date when the judgment is uploaded on the website</i>	<i>10.09.2026</i>
4	<i>Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced</i>	<i>Full</i>
5	<i>The delay, if any, of the pronouncement of full judgment, and reasons thereof.</i>	<i>Not applicable</i>

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sharad Aggarwal, Additional Advocate General
for the appellant.

Mr. Govind Goel, Advocate for the respondent.

HARKESH MANUJA J. (Oral)

[1] Vide this common order, aforementioned two Execution Second Appeals shall stand disposed of as they involve common question of law and fact. For the sake of brevity, the facts are being

culled out from **ESA-11 of 2024**.

[2] By way of the present Execution Second Appeal, prayer has been made for setting aside of the orders dated 12.07.2023 and 29.09.2023 passed by the learned Courts below, whereby the objections preferred at the instance of the appellant-State, claiming itself to be a third party objector, to the execution of the decree dated 12.11.2005, have been dismissed.

FACTS

A. PRESENT LITIGATION

[3] Briefly stating, in the present case, plaintiffs (Decree Holders/ Respondent's predecessors) filed Civil Suit No. 74 of 2003 against Gram Panchayat, Loharu, seeking an injunction restraining the Gram Panchayat from disturbing their possession of Plot No. 129, measuring 1667 square yards, in village Loharu. Their claim rested on a Kabala dated 04.04.1942, executed by the then Nawab of Loharu, in favour of their predecessor, Bhikraj Jaipuria. The suit was decreed on 12.11.2005 by the learned Additional Civil Judge (Senior Division) holding that the plaintiffs' predecessor had purchased the plot under the Kabala and that the plaintiffs, having inherited from him, were owners in possession, the Gram Panchayat having produced no document to support its own claim.

[3.1] The Gram Panchayat's first appeal, Civil Appeal No. 3 of 2006, was dismissed. The Gram Panchayat's further appeal, RSA No. 1289 of 2007, was dismissed by this Court on 19.12.2007 and the decree became final. A connected decree, over the adjoining Plot

No. 128, was passed the same day in Civil Suit No. 76 of 2003 and followed the same appellate course, the first appeal being dismissed as Civil Appeal No. 1 of 2006 and the second appeal being dismissed as RSA No. 2324 of 2007, also on 19.12.2007.

[3.2] The Decree Holders earlier initiated execution proceedings in 2008, which were withdrawn in 2014 as fully satisfied. In those earlier proceedings, execution was pressed in respect of Plot Nos. 126, 128 and 129, execution as to Plot No. 127 having been separately withdrawn. The respondent in the present appeal-Neetu Dahiya bought both properties relevant to the present appeal(s), along with the other connected plots, under a registered sale deed dated 14.03.2019 and on being substituted as Decree Holder, continued the present Execution Petition No. 49/2017, seeking warrants of possession.

[3.3] In support of its claim, the appellant State also relies upon a demarcation report dated 10.04.2021, stated by it to have been obtained pursuant to an order of the SDM, Loharu dated 05.04.2021. The Courts below found that this report was got conducted by the SDO (Civil), Loharu on his own, through the Naib Tehsildars, Loharu and Behal, without any order of the learned Executing Court and without notice to the decree holder.

[3.4] The appellant State was not a party to either of the 2003 suits. It objected under Order 21 Rule 99 CPC claiming that the land is part of Khasra No. 735, owned by the State, that a Government primary school has stood on part of it since 1918, that the decrees were obtained by fraud since the Decree Holders were never in

possession, that the 2021 demarcation report supports its claim.

[3.5] By order dated 12.07.2023, the learned Executing Court dismissed the aforementioned objections, holding that the Decree Holder was admittedly not in possession, a finding drawn from her separate dispute with the named objectors/judgment debtors, who were themselves found to be occupying the land as vegetable vendors and further holding that Order 21 Rule 32(5) CPC permits possession to be restored to a Decree Holder dispossessed after an injunction decree, relying on a settled line of decisions of this Court. The appeals against this order, together with the connected objections of the Poddar Charity Trust, were dismissed by common judgment dated 29.09.2023, which also directed that execution over any part of the land within the Government school premises be carried out in the presence of the District Elementary Education Officer and the Tehsildar. Still aggrieved, the present Execution Second Appeals came to be filed at the instance of State through SDO (Civil) Loharu.

PREVIOUS LITIGATION

[4] Municipal Committee, Loharu, formerly Gram Panchayat, Loharu, which had merged into it in 2006, filed third party objections in the earlier execution in 2008 and a separate suit, claiming that the land was part of Khasra No. 271. A Local Commissioner was appointed by the Court to visit the spot. On 05.09.2011, after framing issues and considering the evidence led by both sides, the learned Executing Court dismissed the objections, holding that the land is not part of Khasra No. 271. This finding was upheld in appeal on

15.11.2013. Municipal Committee, Loharu also separately pursued its Khasra No. 271 claim through Civil Suit No. 94 of 2009, dismissed on 26.02.2010, with the first appeal dismissed on 09.11.2010; a further second appeal, RSA No. 806 of 2012, was allowed on 06.10.2016 and the suit remanded but Municipal Committee withdrew it on 22.02.2017/04.03.2017 rather than proceeding to a fresh trial.

[5] A separate application was moved in 2012 by another set of claimants, Suresh Kumar, Vicky and others, seeking demarcation of Khasra Nos. 734 and 735. This was dismissed by order dated 16.08.2013, passed by Sh. Sunil Kumar, Additional Civil Judge (Senior Division), Loharu, in the earlier execution proceedings, the Court holding that it was for the applicants themselves to prove where Khasra Nos. 734 and 735 lay and declining to order a fresh demarcation to do that work for them. The same order also held that the objectors, having claimed possession only through Municipal Committee, could not agitate a claim that had already been finally decided against Municipal Committee.

[6] In the present execution itself, a fresh set of objectors, Pyare Lal and others, describing themselves as vegetable vendors on the disputed land, which they described as falling in Khasra Nos. 734 and 735, raised objections and also moved an application seeking demarcation of Khasra Nos. 734 and 735. By a composite order dated 15.05.2019, Additional Civil Judge (Senior Division), Loharu, dismissed both the objections and the demarcation application, holding that the objectors were admittedly in possession only in the character of vegetable vendors and directed them to vacate. Their

first appeal, CA No. 209 of 2019, was dismissed on 15.02.2021 by the Additional District Judge, Bhiwani, who held that the objectors, claiming through Municipal Committee's earlier allotment, were bound by the finding of the order dated 05.09.2011 by the principle of *res judicata*. Their further appeals to this Court, ESA Nos. 6 to 9 of 2021, were dismissed on 01.12.2021, this Court holding that the objectors had shown no right or title in the property, that finding vacant land and occupying it to sell vegetables conferred no valuable right and that persons with no right or title in the property had no locus standi to seek its demarcation. The SLP (Civil) Diary No. 10057 of 2022 against that order was dismissed as withdrawn on 01.11.2022.

[7] During the pendency of the execution, a warrant of possession issued for the decretal land came back unexecuted, the Bailiff reporting that a portion of approximately seven feet of Plot No. 129 fell under a Government primary school.

[8] Separately, the appellant State filed suits to set aside the 2005 decrees, pleading that the decretal land formed part of Khasra No. 735: Civil Suit No. 347 of 2013 concerning Plot No. 129 and Civil Suit No. 342 of 2013 concerning Plot No. 128, both instituted on 24.10.2013. The suit concerning Plot No. 128 was dismissed on 10.08.2017, the learned Additional Civil Judge (Senior Division), Loharu holding that the State had failed to prove that the land forms part of Khasra No. 735 and that the decree dated 12.11.2005, resting on the 1942 Kabala, was valid. The first appeal was dismissed on 19.04.2018. The second appeal, RSA No. 373 of 2022, was dismissed by this Court on 14.02.2022, holding that no substantial

question of law arose and further, that the appeal was liable to be dismissed on the independent ground of an unexplained delay of 682 days in filing it. The SLP (Civil) Diary No. 24915 of 2022, was dismissed by the Hon'ble Supreme Court on 03.07.2023. The suit concerning Plot No. 129 followed the same course.

CONTENTIONS

ON BEHALF OF THE APPELLANT

[9] Learned counsel for the State argued that a decree of permanent injunction cannot be enforced through a warrant of possession and that the learned Executing Court went beyond what the decrees allowed. He argued that the land is part of Khasra No. 735, owned by the State, with a Government primary school standing on part of it since 1918. He argued that the decrees were obtained by fraud, since the Decree Holders were never actually in possession. He argued that the State was denied a fair chance to prove its case, since no issues were framed and no evidence was allowed and that the demarcation report the State obtained in 2021 supports its claim and should have been considered.

ON BEHALF OF THE RESPONDENT

[10] Learned counsel for the respondent argued that the question of mode of execution was already raised before and answered by, the learned Executing Court and does not in any event help the State, since the finding of non-possession came from a separate dispute to which the State was never a party. He argued that the State itself pursued the identical claim, that the land is Khasra No.

735, in its own suits against these Decree Holders, over both plots and lost in each, carrying the matter through every tier up to the Hon'ble Supreme Court, so that the present objections are barred by *res judicata*. He argued that the fraud plea gives no particulars as required by law, that the 2021 demarcation report was made without any order of the learned Executing Court and without notice to the decree holder and that the order refusing to frame issues has long become final, since it was never appealed.

DISCUSSION AND REASONING

[11] I have heard learned counsel for the parties and gone through the paper-book and records of the case.

[12] The following questions arise for determination in these appeals:

(i) Whether, in the absence of any independent right, title or possession established by the appellant-State, the correctness of the mode of execution adopted, namely restoration of possession under Order 21 Rule 32(5) CPC upon a decree of permanent injunction, gives rise to any substantial question of law requiring determination in these appeals?

(ii) Whether the appellant-State, having litigated the identical claim that the decretal land forms part of Khasra No. 735 in its own suits to set aside the very decrees now sought to be executed and having failed to discharge the burden that lies upon a third party objector under Order 21 Rules 97 to 99 CPC, can reagitate that claim through the present objections or whether such objections are barred and disclose no substantial question of law warranting interference with the concurrent findings of the Courts below?

[13] The contention raised that an injunction decree cannot be enforced by a warrant of possession is not new here. The learned Executing Court dealt with this exact question in its order dated

12.07.2023, relying on settled authority that allows possession to be restored where a Decree Holder is shown to have lost possession after the decree. This Court need not decide whether that view is correct because the point does not help the State's case either way. The finding of non-possession came from the Decree Holders' dispute with their own judgment debtors, found to be occupying the land as vegetable vendors. That dispute was decided against them by the learned Additional Civil Judge (Senior Division), Loharu, by order dated 15.05.2019 and their appeal, CA No. 209 of 2019, was dismissed by the Additional District Judge, Bhiwani, on 15.02.2021, holding that the objectors, claiming through a party already bound by an earlier finding, could not take a different stand. Their further appeals to this Court, ESA Nos. 6 to 9 of 2021, were also dismissed on 01.12.2021, by this Court independently, holding that the objectors had shown no right or title in the property and that occupying vacant land to sell vegetables conferred no valuable right upon them. The State was never one of those objectors/judgment debtors and does not claim through them. It claims a wholly separate title, as owner in its own right. Where such an independent claim is made by someone who is a stranger to the decree, the real question is not the mode of execution as between the Decree Holder and her objectors/judgment debtors but whether the objector has itself proved a right, title or possession strong enough to defeat the Decree Holder's claim. That is what the second question answers.

[14] On the second question, the State's case encounters a difficulty that goes to substance and not merely to procedure. It is

necessary to notice that the finding dated 05.09.2011 of the learned Executing Court, on which the Courts below have placed considerable reliance, addressed a single question, namely whether the decretal land forms part of Khasra No. 271 and answered it in the negative. Khasra No. 735 was never in issue before that Court. That finding cannot, therefore, be read as an affirmative determination that the decretal land either is or is not part of Khasra No. 735. The claim that the land instead falls within Khasra Nos. 734 and 735 has, in fact, been raised no fewer than three times: first in 2012, resulting in the order dated 16.08.2013 dismissing the demarcation application for want of proof; again in 2019, resulting in the order dated 15.05.2019, upheld in CA No. 209 of 2019 decided on 15.02.2021 and in ESA Nos. 6 to 9 of 2021 decided by this Court on 01.12.2021; and once more through the demarcation report dated 10.04.2021, which was got conducted without any order of the learned Executing Court authorising it. On each occasion, the claim was either rejected for want of proof by the person asserting it or in the case of the 2021 report, never even tested. None of these attempts settles the question either way; what they establish is only that no claimant asserting these Khasra numbers has ever discharged the burden of proving them.

[14.1] What the State cannot escape, however, is its own conduct. The State has itself pursued, through its own suits rather than mere objections, the identical claim it now presses in respect of both plots, that the decretal land is part of Khasra No. 735. Its suit concerning Plot No. 128, Civil Suit No. 342 of 2013, was dismissed

on 10.08.2017, the first appeal was dismissed on 19.04.2018 and the second appeal, RSA No. 373 of 2022, was dismissed by this Court on 14.02.2022, both on merits and independently on the ground of an unexplained delay of 682 days. Its suit concerning Plot No. 129, Civil Suit No. 347 of 2013, rests on the same pleadings and pressed the same claim. Both suits were fought out on evidence, with witnesses examined on both sides and were dismissed on a specific finding that the State had failed to prove the connection between the decretal land and Khasra No. 735. This is a decision on the merits in the fullest sense and Section 11 CPC squarely bars the State from raising that same question again, whether by suit or by objection, against the same Decree Holders.

[14.2] A recent decision of the Hon'ble Supreme Court, though turning on somewhat different facts, reached the same result on a footing considerably weaker than the present one. In ***Sharada Sanghi v. Asha Agarwal, 2026 INSC 292***, the party seeking to reopen at the execution stage a question already put before a Court was the Decree Holder rather than the objector but the principle applied was the same. There, the appellants had, while their specific performance suit was pending, separately sued to cancel the very sale deeds under which the respondents claimed a rival title. Those suits were allowed to be dismissed for default, without any decision on the merits. When the appellants later sought to execute their decree so as to dispossess the respondents, it was held that dismissal for default could not attract Section 11 CPC, since that Section requires the matter to have been "heard and finally decided."

Even so, the appellants were not permitted to obtain through execution what their own abandoned suits had failed to secure, applying the wider principle, drawn from **K.K. Modi v. K.N. Modi, (1998) 3 SCC 573**, that relitigating an issue already raised and lost is an abuse of the process of the Court, whether or not the strict requirements of *res judicata* are met. The nexus between an independent suit raising a question that goes to the decree and a later attempt to have that same question determined in execution, is thus squarely established; and it operates with equal force whether the party attempting it is the Decree Holder, as there or the objector, as here. The relevant portion of **Sharada's case** (supra) is reproduced herein:-

"45. In the case of Greenhalgh v. Mallard [(1947) 2 All ER 255] the Court had to consider different proceedings on the same cause of action for conspiracy, but supported by different averments. The Court held that if the plaintiff has chosen to put his case in one way, he cannot thereafter bring the same transaction before the Court, put his case in another way and say that he is relying on a new cause of action. In such circumstances he can be met with the plea of res judicata or the statement or plaint may be struck out on the ground that the action is frivolous and vexatious and an abuse of the process of the court.

46. In McIlkenny v. Chief Constable of West Midlands Police Force [(1980) 2 All ER 227] the court of appeal in England struck out the pleading on the ground that the action was an abuse of the process of the court since it raised an issue identical to that which had been finally determined at the plaintiffs' earlier criminal trial. The Court said even when it is not possible to strike out the plaint on the ground of issue estoppel, the action can be struck out as an abuse of the process of the court because it is an abuse for a party to re-litigate a question or issue which has already been decided against

him even though the other party cannot satisfy the strict rule of res judicata or the requirement of issue estoppel. (emphasis ours)

48. In the exercise of equitable jurisdiction, this Court cannot ignore such conduct where a party plays fast and loose with the court. Allowing proceedings touching upon title to be dismissed for default, while continuing to pursue relief in another proceeding concerning the same property, raises concerns as to procedural fairness. Equity frowns upon selective prosecution. A party cannot act recklessly with the judicial process, invoking it as per his convenience and abandoning it when inconvenient, only to resurrect advantage in execution."

[14.3] The present case stands on an even better footing because the very thing missing, a hearing and a final decision on the merits, is squarely present here. The State's suits were not dismissed for default. They went to trial, evidence was led by both sides and a clear finding was returned against the State. If the Hon'ble Apex Court refused to allow relitigation even where the earlier suits had never been tried on the merits, then the State cannot be allowed to relitigate a claim that was actually tried, evidenced, and lost.

Sharada Sanghi's case (supra), therefore, only fortifies a conclusion that Section 11 CPC compels on its own terms. The burden of proof points the same way. In an objection of this kind, it is for the objector to establish its right, title or possession and the State has already had one full opportunity, with its own pleadings and its own evidence, to discharge that burden and failed.

[15] The State's difficulty deepens further when the history of this very execution is considered. The claim that the land is part of Khasra Nos. 734 and 735 was pursued by a different set of objectors,

Pyare Lal and others, under a different name, through the learned Executing Court, by order dated 15.05.2019, the first appellate Court, in CA No. 209 of 2019 decided on 15.02.2021 and this Court, in ESA Nos. 6 to 9 of 2021 decided on 01.12.2021 and failed at every stage; a Special Leave Petition against this Court's order was dismissed as withdrawn on 01.11.2022. That outcome does not itself bind the State, which did not claim through those objectors. But it confirms that this specific numerical claim has already been tested to finality once before and rejected, within this very execution.

[16] The fraud plea does not hold up either. A decree obtained by fraud gives no right to the person who obtained it, however, it is well-settled that allegations of fraud must be substantiated with specific evidence and cannot rely solely on general pleadings. Absence of evidence to support pleadings of fraud renders the claim untenable. In ***Bishundeo Narain v. Seogeni Rai, 1951***

AIR Supreme Court 280 the Hon'ble Apex Court observed:-

" 25. It is also to be observed that no proper particulars have been furnished. Now if there is one rule which is better established than any other, it is that in cases of fraud, undue influence and coercion, the parties pleading it must set forth full particulars and the case can only be decided on the particulars as laid. There can be no departure from them in evidence. General allegations are insufficient even to amount to an averment of fraud of which any Ct. ought to take notice, however, strong the language in which they are couched may be and the same applies to undue influence and coercion. See Order [6](#), Rule [4](#), Civil Procedure Code."

[16.1] The present objections say no more than that the Decree

Holders were never in possession, which falls short of a proper plea of fraud and is harder still to accept once it is recalled that the State's own claim on the same question has already been heard and rejected, over both plots. It may also be noted that in the State's own suits, its pleadings describe a Government Primary School as lying on the eastern boundary of Khasra No. 735, rather than within it, a description that sits uneasily with the present claim that a school has stood on Khasra No. 735 itself since 1918. The 2021 demarcation report fares no better. As already noticed, it was got conducted by the SDO (Civil), Loharu on his own, without any order of the learned Executing Court and without notice to the decree holder, who had no chance to take part in the exercise or to question its findings. It cannot be used against her, particularly against the background of the earlier, fully contested proceedings that reached a different conclusion.

[17] The complaint that the State was denied a chance to lead evidence cannot be entertained here. The appellant State, through the learned Government Pleader, moved its own separate application on 13.12.2022 for framing of issues. Replies were filed on behalf of the decree holder and the application was dismissed by the learned Executing Court by order dated 17.01.2023, nearly six months before the objections themselves came to be decided on 12.07.2023. That order was appealable and the State, which lost no time in appealing the order dated 12.07.2023, chose not to assail it. It has long attained finality, binds the parties on that question and cannot be reopened collaterally at this stage.

[18] Moreover, it is difficult to overlook what this Decree Holder has had to go through merely to obtain what a Court granted her predecessors in 2005. The Hon'ble Supreme Court, in **Satyawati v. Rajinder Singh, (2013) 9 SCC 491**, made the following observations:-

*"13. It is really agonizing to learn that the appellant - Decree Holder is unable to enjoy the fruits of her success even today i.e. in 2013 though the appellant- plaintiff had finally succeeded in January, 1996. As stated hereinabove, the Privy Council in the case of The General Manager of the Raj Durbhnga under the Court of **Wards v. Maharajah Coomar Ramaput Sing** had observed that the difficulties of a litigant in India begin when he has obtained a Decree. Even in 1925, while quoting the aforesaid judgment of the Privy Council in the case of **Kuer Jang Bahadur v. Bank of Upper India Ltd., Lucknow, [AIR 1925 Oudh 448]**, the **Court was constrained to observe** that " Courts in India have to be careful to see that process of the Court and law of procedure are not abused by the judgment-debtors in such a way as to make Courts of law instrumental in defrauding creditors, who have obtained decrees in accordance with their rights. "*

*14. In spite of the aforesaid observation made in 1925, this **Court was again constrained to observe** in **Babu Lal v. M/s. Hazari Lal Kishori Lal & Ors., [(1982)1 SCC 525]** in para 29 that " Procedure is meant to advance the cause of justice and not to retard it. The difficulty of the Decree Holder starts in getting possession in pursuance of the decree obtained by him. The judgment debtor tries to thwart the execution by all possible objections... "*

*15. This Court, again in the case of **Marshall Sons & Co. (I) Ltd. v. Sahi Oretrans (P) Ltd. & Anr., [(1999)2 SCC 325]** was constrained to observe in para 4 of the said judgment that " ..it appears to us, prima facie, that a decree in*

*favour of the appellant is not being executed for some reason or the other, **we do not think** it proper at this stage to direct the respondent to deliver the possession to the appellant since the suit filed by the respondent is still pending. It is true that proceedings are dragged for a long time on one count or the other and on occasion, become highly technical accompanied by unending prolixity at every stage providing a legal trap to the unwary. Because of the delay, unscrupulous parties to the proceedings take undue advantage and person who is in wrongful possession draws delight in delay in disposal of the cases by taking undue advantage of procedural complications. It is also a known fact that after obtaining a decree for possession of immovable property, its execution takes long time.. "*

16. Once again in the case of **Shub Karan Bubna alias Shub Karan Prasad Bubna v. Sita Saran Bubna and Ors., [2009(4) RCR (Civil) 303 : 2009(5) Recent Apex Judgments (R.A.J.) 534 : (2009)9 SCC 689]** at para 27 this Court observed as under :

" In the present system, when preliminary decree for partition is passed, there is no guarantee that the plaintiff will see the fruits of the decree. The proverbial observation by the Privy Council is that the difficulties of a litigant begin when he obtains a decree. It is necessary to remember that success in a suit means nothing to a party unless he gets the relief. Therefore, to be really meaningful and efficient, the scheme of the Code should enable a party not only to get a decree quickly, but also to get the relief quickly. This requires a conceptual change regarding civil litigation, so that the emphasis is not only on disposal of suits, but also on securing relief to the litigant. ""

[18.1.] In the present case, in the twenty years since the decree was passed in 2005, this land has been contested by Gram

Panchayat, then by Municipal Committee under its new name, then by a fresh set of claimants asserting Khasra Nos. 734 and 735, then by another set of claimants doing the same in this very execution and now by the State itself, twice over, first through a suit to set aside the decree and now through these very objections. Each challenge has run its own course, through trial, appeal and often second appeal and each has failed. A Decree Holder is entitled to the fruits of her decree within a reasonable time and a repeated succession of objections, each raising a variant of the same claim after the last one has failed, cannot be allowed to become a substitute for a right of appeal that was never successfully exercised. The finality of a decree would mean little if it could be indefinitely deferred by the simple device of a new objector appearing each time an earlier one is turned away.

[19] At this stage, it is made clear that this Court is not inclined to order a fresh demarcation. The claim that the land falls within Khasra Nos. 734 and 735 has already been raised three times, in 2012, in 2019 and again through the State's own report dated 10.04.2021 and has failed on each occasion. When that claim was last pressed, by a different set of objectors, it was rejected at every tier up to this Court, which held that a person with no right or title in the property has no locus standi to ask for its demarcation. Reopening that question now would simply repeat what has already been settled three times over. The only concrete public-interest concern disclosed by this record is the seven-foot portion of Plot No. 129 which the Bailiff, on visiting the spot in 2021, found to fall under the Government primary school. That is a narrow and specific matter,

quite distinct from the sweeping claim of title that has been raised and rejected. It is already addressed by the direction contained in the impugned judgment, that execution be carried out in the presence of the District Elementary Education Officer and the Tehsildar, Bhiwani, which shall continue to operate. Nothing further is required.

CONCLUSION

[20] In view of the discussion made hereinabove, no substantial question of law arises and the impugned orders call for no interference. Consequently, the present appeal(s), being devoid of merits, are hereby **dismissed**.

[21] Since the main appeal itself stands dismissed, no order is required to be passed on the application for condonation of delay in either appeal. The applications for stay and any other pending miscellaneous applications, shall stand disposed of.

[22] A copy of this order be placed on the file of the connected appeal.

[23] Pending applications, if any, also stand disposed of.

10.09.2026
sonika

(HARKESH MANUJA)
JUDGE

(i)	Whether speaking/reasoned:	Yes
(ii)	Whether reportable:	Yes