

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 4284/2023

[Arising out of impugned final judgment and order dated 20-09-2022 in CR No. 2514/2014 passed by the High Court of Punjab & Haryana at Chandigarh]

BABU SINGH (D) THR. LRS & ANR.

Petitioner(s)

VERSUS

JALANDHAR IMPROVEMENT TRUST & ANR.

Respondent(s)

IA No. 33657/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 17-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :

Mr. Karan Kapoor, Adv.
Mr. Manik Kapoor, Adv.
Ms. Srishti Singla, Adv.
Mr. Shrey Kapoor, AOR

For Respondent(s) : Ms. Vagisha Kochar, AOR

Mr. Vivek Jain, A.A.G.
Mr. Karan Sharma, AOR
Mr. Chetan Manchanda, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the parties.
2. This special leave petition impugns judgment and order of the High Court dated 20.09.2022 dismissing the revision of the

petitioners against the order of the Execution Court dated 08.01.2014 by which application filed by the petitioners under Order XXI Rule 32 of the Code of Civil Procedure, 1908 was dismissed as barred by limitation.

3. A perusal of the record would reveal that the trial court had dismissed the suit of the petitioners against which a First Appeal was preferred. The First Appellate Court *vide* judgment and decree dated 06.01.2005 dismissed the suit in the following terms:

“Considering all the aspects of the case from every angle, I find that the cancellation of the allotment of the plot NO. 30 and some portion of plot NO. 31 made by the respondents as per letter dated 29.07.93 Ex. D1 is illegal, wrong and unconstitutional which is not binding upon the plaintiffs. I also find the appellants entitled for the mandatory injunction to be issued

against the respondents directing them to comply with order passed by the defendant No. 1 as per order No. JIT-5702 dated 18.2.88. The plaintiffs are also held entitled for the discretionary relief of injunction to be issued against the respondents restraining them from demolishing building and to interfere in the possession of the plaintiffs till the compensation of the raised construction is assessed and is paid to the appellants. Accordingly, I reverse the findings given by the trial court on issues 3,4 &5 and decided the same in favour of the appellants. The appeal is accepted. The suit of the plaintiffs as prayed for is decreed with no order as to costs. Decree sheet be prepared. File be consigned."

4. An Execution Application was filed on 12.08.2010 seeking implementation of mandatory injunction part of the decree. The Execution Court dismissed said Application as barred by limitation by relying on

Article 135 of the Schedule to the Limitation Act, 1963 which provides limitation for enforcement of a decree granting a mandatory injunction. The limitation period provided therein is three years commencing from the date of the decree or where a date is fixed for performance, such date.

5. As the decree passed by the First Appellate Court did not specify any date for performance, the limitation period would commence from the date of the decree, as was held by the Execution Court.

6. In such circumstances, we find no justification to interfere with the impugned order inasmuch as the Execution Application was limited to enforcement of mandatory injunction part of the decree.

7. The Special Leave Petition is, accordingly, dismissed.

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

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)