



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Revision Petition No. 145/2025

Naurang S/o Bhinraj, Aged About 82 Years, Resident Of  
Khyaliwala, Tehsil And District Sri Ganganagar (Raj)

----Petitioner

Versus

1. Lrs Of Late Sri Chunnilal, Resident Of Village Khyaliwala  
Tehsil And District Sri Ganganagar.
2. Kamla Devi W/o Late Shri Chunnilal, Resident Of Village  
Khyaliwala Tehsil And District Sri Ganganagar.
3. Krishna Lal S/o Shri Chunnilal, Resident Of Village  
Khyaliwala Tehsil And District Sri Ganganagar.
4. Kulveer S/o Shri Chunnilal, Resident Of Village Khyaliwala  
Tehsil And District Sri Ganganagar.
5. Chandrakala D/o Shri Chunnilal, W/o Shri Ramchandra,  
Resident Of Village Khyaliwala Tehsil And District Sri  
Ganganagar.

----Respondents

For Petitioner(s) : Mr. Narendra Thanvi  
Mr. Mahendra Thanvi  
For Respondent(s) : Mr. Hemant Jain  
Mr. Gaurav Nagda

**HON'BLE MR. JUSTICE FARJAND ALI**  
**Order**

**Reportable**

**Order Pronounced On : 19/08/2025**  
**Order Reserved On : 04/08/2025**

**BY THE COURT:-**

1. By way of the present Civil Revision Petition No.145/2025,  
the petitioner has assailed the order dated 09.07.2025  
passed by the learned Civil Judge (Jr. Dn.), Sri Ganganagar  
in Civil Execution Case No.30/2023, whereby the application  
dated 17.10.2023 preferred by the petitioner-judgment-  
debtor raising objections to the maintainability of the  
execution proceedings was rejected, and the learned



Executing Court proceeded further under the provisions of Order XXI Rule 32(5) of the Code of Civil Procedure, 1908.

2. The dispute has its genesis in a civil suit for declaration and permanent injunction instituted by the predecessor-in-interest of the respondents, namely late Chunnilal, before the learned Civil Judge (Jr. Dn.), Sri Ganganagar, registered as Civil Suit No.566/1995. The suit pertained to agricultural land situated in Chak No.16 ML, Murabba No.10, Kila Nos.1 to 8, measuring 8 Bighas, wherein the plaintiffs sought to restrain the defendants from interfering with their possession and further prayed that any document, such as partition or will executed by Bhinraj in favour of the defendants, be declared void and ineffective.
3. The learned trial court, vide judgment and decree dated 12.11.1999, partly decreed the suit by granting a relief of permanent injunction restraining the defendants, including the present petitioner, from interfering with the plaintiffs' possession over the crops standing on the suit land till the decision of the allotment proceedings by the competent authority.
4. Upon appeal, the learned Additional District Judge No.1, Sri Ganganagar, vide judgment dated 24.09.2003, set aside the trial court's decree. However, in further challenge, this Court, vide judgment dated 13.12.2013 in S.B. Civil Second Appeal No.285/2003, allowed the appeal, set aside the appellate



judgment, and restored the trial court's decree dated 12.11.1999.

5. Nearly a decade thereafter, the respondents–legal heirs of late Chunnilal initiated Execution Petition No.30/2023 seeking enforcement of the decree dated 12.11.1999. It was alleged that the present petitioner had, in violation of the decree, taken unlawful possession of the suit land about two years prior to the filing of the execution petition, with the aid of anti-social elements, and that restoration of possession was warranted.
6. The petitioner–judgment-debtor entered appearance and filed objections, inter alia, contending that the execution petition suffered from non-joinder of necessary parties as other judgment-debtors were not impleaded; that the decree under execution was limited to an injunction and did not contain any direction for delivery of possession; that the executing court was not competent to enlarge the scope of the decree; and that the proper remedy, if any, lay in initiating contempt proceedings rather than execution.
7. The learned Civil Judge, after hearing both sides, rejected the petitioner's objections vide the impugned order dated 09.07.2025, which has occasioned the present revision.
8. I have heard learned counsel for the parties and perused the impugned order, the record of the case, and the cited precedents.



9. It is trite that the jurisdiction of an executing court is confined to enforcing the decree as it stands and it cannot travel beyond its terms. The decree dated 12.11.1999 was one of prohibitory injunction, restraining the defendants from interfering with the plaintiffs' possession until decision of allotment proceedings. The petitioner's contention is that such a decree does not warrant delivery of possession in execution.

10. However, where a decree of prohibitory injunction has been rendered nugatory by the willful and unlawful act of the judgment-debtor particularly dispossession of the decree-holder from the decretal property; the executing court is vested with the power, under Order XXI Rule 32(5) CPC, to direct measures necessary to secure compliance, including restoration of possession. To give full effect to an injunction decree, the executing court may remove any obstruction caused in violation thereof, so that the successful litigant reaps the benefits of the adjudication.

11. In the present case, where the litigation has already consumed nearly a decade or more in the corridors of law, it would be wholly unjust to permit the decree to be frustrated or defeated by the sheer force or unlawful activity of the judgment-debtor. The civil court cannot be rendered helpless or handicapped in the face of such conduct. The essence of an injunction decree is to preserve possession and to restrain



intrusion, "injunct" in itself means you shall not enter or to restrain by injunction. If, in defiance thereof, possession is forcibly taken, then the concept of injunction equally encompasses the authority "to expel" and to restore the rightful party back into possession.

12. Order XXI Rule 32(5) CPC vests in the executing court the necessary power to secure effective compliance of such decrees. It clarifies that where a decree of prohibitory injunction is rendered nugatory by the wilful and unlawful act of the judgment-debtor, particularly dispossession of the decree-holder, the court may adopt all measures essential to secure obedience, including the restoration of possession. To give full effect to an injunction decree, the executing court may also remove every obstruction set up in breach thereof, so that the successful litigant may truly reap the benefit of adjudication. Mere penal consequences under the contempt jurisdiction may not suffice; in appropriate circumstances, restoration of possession becomes the most efficacious mode of enforcement. After protracted litigation, to require the plaintiff to institute a fresh suit for recovery of possession on account of the subsequent acts of the defendants, which are calculated to frustrate the judgment and decree already passed, would be wholly unjust and improper.

13. In the facts at hand, the decree in categorical terms protected the possession of the decree-holders over the suit



land. If, during or after the pendency of litigation, the judgment-debtor has forcibly dispossessed them in violation of the decree, the civil court is not powerless. On the contrary, it is under a bounden duty to act so that its solemn adjudication is not reduced to an illusory formality. The provisions of law, coupled with the overarching duty of the Court to protect the sanctity of its process, empower it to ensure that the decree-holder's possession is preserved intact, and that he is shielded against any further threat of intrusion by the adversary.

14. Upon careful consideration, I find that the learned Civil Judge has committed no legal error in declining the objections and proceeding to secure compliance with the decree. The impugned order is firmly rooted in the object and spirit of Order XXI Rule 32 CPC, in the settled principles of execution law, and the overarching duty of the court to ensure that its decrees are not rendered hollow by subsequent unlawful acts of any party.

15. Consequently, the revision petition is devoid of merit and is hereby dismissed.

16. The stay petition, if any, and all pending applications stand disposed of.

17. No order as to costs.

**(FARJAND ALI),J**

23-Mamta/-

