

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 152 of 2014 (O&M)

DATE OF DECISION : September 10, 2015

Harbhajan Singh & ors.

..... PETITIONER(S)

VERSUS

Nirmal Singh

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

**Present: Mr. H.S. Saini, Advocate, for the petitioners.
Mr. Liaqat Ali, Advocate, for the respondent.**

ARUN PALLI, J. (Oral)

Vide order being assailed, dated 01.11.2013, the executing court passed the following order :-

“Statement of DH as well as bailiff concerned recorded. Now a separate request later be sent to learned District and Sessions Judge, Jalandhar for providing police help in this case. Now to come up on 16.12.13 for awaiting order of Learned District and Sessions Judge, Jalandhar.”

Learned counsel for the petitioners submits that, in fact, a preliminary decree dated 08.01.2011 for redemption was passed in favour of Nirmal Singh (decree holder) and the same has not yet become final, as his appeal is pending against the said decree. Be that as it may, he contends that the afore-reproduced order was passed by the executing court without

affording any notice to the petitioners, and further unless a final

decree was obtained, the respondent-decree holder could not seek actual physical possession of the suit property in execution of a preliminary decree for redemption. Thus, he contends that the order dated 01.11.2013 is erroneous.

During the course of hearing, a consensus is reached between counsel for the parties that let order dated 01.11.2013 be set aside with a liberty to the petitioners to move an appropriate application, in this regard, before the executing court itself.

That being so, the order dated 01.11.2013 is set aside and the petitioners are set at liberty to move an appropriate application, as regards their objections, before the executing court, as admissible in law. And if any such application is indeed moved, the same shall be considered and decided, in accordance with law.

The petition is disposed of in the above terms.

SEPTEMBER 10, 2015
Kang

(ARUN PALLI)
JUDGE