

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2377 of 2015

Date of Decision.04.05.2015

Kulbhushan

.....Petitioner

Versus

Ram Kumar and another

.....Respondents

Present: Mr. Ajay Pal Singh Jangu, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The judgment debtor has filed the application at the stage of execution of the decree for delivery of possession and that the assistance of the revenue authorities must be taken for identifying the property. The objection, inter alia, was that the plaintiff has not properly described the property in the manner that the High Court rules provide and under the guise of the decree, the plaintiff is trying to take possession of the property of which he is not the owner and which the decree does not provide for.

2. The Court below has rejected his objection and allowed for further process in execution holding that the property in suit is a house property described within four boundaries which is reproduced as under:-

“North: House of Jaimal Ram
East : Property of Ranjit Singh
South : Main Street, Mandir Wali Street and Mandir

West : Mandir Wali Street, Mandir and property of Shopat Ram (now house of Mani Ram) situated in the *abadi* of village Nihal Khera, Tehsil Fazilka fully depicted in red colour in the site plan attached herewith as the basis of oral and documentary evidence of all sorts.”

3. The counsel appearing on behalf of the judgment debtor pleads before me that the description of property has not been properly made. There is no reference to the linear measurements for the property and the property cannot be delivered in the manner in which the decree is drawn. The objection which the defendant could have stated before the passing of the decree cannot be brought at the stage of execution. I cannot allow for a contention vagueness of description of property to be brought at the instance of the judgment debtor. If the official act has to be done with reference to the boundaries, the bailiff shall ensure that the property which is identified for delivery is lying within the four boundaries which are described in the plaint. If there is ever a difficulty in identifying the said property, he may seek for further directions from the Court. Till such time as the bailiff states before the Court that he is unable to identify the property and therefore, he cannot deliver the property, there is no scope for the judgment debtor to cause for any obstruction. I will not find any reason for interference with the order passed.

4. The civil revision is dismissed.

(K. KANNAN)
JUDGE

May 04, 2015
Pankaj*