

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CR-2241 of 2014

Date of Decision: August 4, 2015.

Mukesh Kumar

.....PETITIONER

VERSUS

Kala Singh and others

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.B.S.Dhillon, Advocate
for the petitioner

M.M.S.BEDI, J.(Oral)

The petitioner has been granted a decree of injunction on the basis of his possession as co-sharer on the property in dispute mentioned in heading of plaint. The petitioner is aggrieved by an order passed on his application under order 21 Rule 32 C.P.C. for providing police help for implementation of judgment and decree. The executive Court has opted not to provide police help for implementation of judgment and decree but required the plaintiff-petitioner decree-holder to file list of properties of the judgment debtor along with his affidavit. Aggrieved by the said order the present revision petition has been filed.

I have heard learned counsel for the petitioner in this context. Under order 21 Rule 32 sub rule(1) a decree for injunction can be executed by attachment and detention. The petitioner in order to seek execution of decree for injunction will have to make out a case for execution of decree

by establishing that the judgment debtor had an opportunity to abide by the decree and he has intentionally committed breach of decree for injunction. The detailed particulars specifying the date and time would be required to be established before seeking the execution of decree for injunction. No doubt in exceptional circumstances police help can be obtained but in the present case circumstances do not indicate any imminent threat or danger to the rights of the decree-holder warranting intervention by police.

Learned counsel for the petitioner submits that despite decree in his favour he has been dispossessed in violation of the decree. In this case the remedy for the petitioner is not to seek police help especially when no specific date and time has been specified. No specific date and time of dispossession has been mentioned. Even the averments in execution application filed under Order 21 Rule 32 C.P.C. are vague in this context.

No ground is made out for interference in the order. Revision petition stands dismissed.

The plaintiff-petitioner is at liberty to avail any other legal remedy available to him in accordance with law.

August 4, 2015.
TSG

(M.M.S.BEDI)
JUDGE