

215.

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

Civil Revision No.2431 of 2013

Date of decision: 07.12.2015

Ravi Mohan

... Petitioner

versus

Parlhad Kumar

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Rishi Nijhawan, Advocate,
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. In a decree for injunction granted in favour of the tenant restraining the landlord from making holes in the roof of the shop that make it uninhabitable. The complaint was that the decree was being deliberately flouted by the judgment debtor and that he should be held guilty of disobedience of the decree for injunction. The landlord's contention is that the building is old and there is no deliberate act on his part that can give rise to an action for contempt. The order passed directing the landlord to be detained in civil prison for one month is, therefore, unreasonable.

2. It is not possible to determine by looking up at the photographs whether the holes which are there in the roof are deliberate and they are on account of natural wear and tear. I allow the benefit of the tenant to secure to himself appropriate roofing and in the interest of justice allow for the work to be completed in the presence of officer of the court who shall ensure that minimal work is done to restore the building and ensure that the tenant has the benefit of the decree. The expenses incurred for effecting appropriate repairs to close the holes on the roof will be collected ultimately from the landlord.

3. The order already passed is set aside and I direct the Executing Court to appoint an officer of the court from amongst the panel of Commissioners to inspect the work of restoring the roof by closing the holes which have come about. The decree holder is at liberty to secure the services of the Civil Engineer to give an estimate and carry on with the work under the supervision of an officer appointed by court. The costs of the entire exercise shall be initially borne by the decree holder and will be made as part of the costs to be recovered from the judgment debtor/landlord.

4. Revision petition is disposed of with the above observations.

(K.KANNAN)
JUDGE

07.12.2015
sanjeev