

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

**CR No.2340 of 2014 (O&M)
Date of decision: 06.05.2015**

Manjit Kumar Bhandari and others

... Petitioners

versus

Purshottam Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. B.S. Rathee, Advocate for the petitioners.

K.Kannan, J.

In a petition for execution of injunction decree, the Court will only concern itself about whether any portion of property shown in the decree is in the hands of any of the judgment debtors and whether a case of wilful disobedience of the injunction decree is made out or not. It will be incompetent for the Executing Court to characterize the plaintiff as an encroacher of any property for which a decree has already been granted. A local commissioner cannot undo the same what a civil Court decree has already granted to him. The local commissioner report insofar as it makes an assessment that the plaintiff is in unlawful possession is ordered to be expunged. The Court shall re-examine the petitioner's contention of the disobedience of the decree of injunction made out against any of the respondents and proceed to pass an order in accordance with law under order 21 Rule 32 C.P.C. The impugned order is set aside and the revision petition is allowed for fresh consideration in the light of the above observations.

06.05.2015

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**(K.KANNAN)
JUDGE**