

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2972 of 2012 (O&M)

Date of decision: 07.04.2015

Ek Onkar Akal Bakshish Sadh Bunda Gurdwara

... Petitioner

versus

Aruna Rani and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sunny Singla, Advocate for the petitioner.

Mr. Karan Bhardwaj, Advocate for respondent No.1.

None for respondent No.2.

K.Kannan, J.

The revision is against the order passed by the Executing Court declining to recall the warrant of possession. The petitioner's grievance is that he is not a party to the suit and the possession is claimed independently of the decree holder and that his objection should be heard. The court has also marked the objection of the decree holder and has allowed for reply to be given to the objections. Any adjudication relating to the claim for removal of objection under Order 21 Rule 97 would require to be dealt with and an order be passed after according opportunities to the parties to let in evidence. That order has the effect of a decree under Order 21 Rule 101. The Court could not have decided the issue of delivery without rendering an adjudication regarding the claim made by the petitioner.

The order passed already is set aside and there is a direction to the Executing Court to adjudge on the objection to delivery caused by the 3rd party objector and render the decision in accordance with law. Considering the fact that the objection is of the year 2004 the Executing Court shall dispose of the the objection application

expeditiously, within a period of 6 months.

With these observations, the civil revision petition is allowed.

07.04.2015
kv

(K.KANNAN)
JUDGE