

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

C.R. No.481 of 2015 (O&M)

Date of Decision:-21.01.2015

Municipal Council, Malerkotla

.....Petitioner

Versus

Gurmail Singh and Others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sandeep Khunger, Advocate for the petitioner.

JASWANT SINGH, J.(ORAL)

Judgment debtor/Municipal Committee, Malerkotla is in revision assailing the order dated 23.12.2014 (P.5) passed by the learned Executing Court whereby warrants of arrest of the Principal Officer of the Municipal Committee have been issued for 06.02.2015 for enforcing the execution of the judgment and decree dated 10.2.2009.

Learned counsel for the petitioner submits that the decree stands complied with inasmuch as by reference to some photographs placed at Annexure P/6, he submits that an alternative drain has been constructed for flow of sullage water and the previous drain flowing from the land of the plaintiff stands demolished.

Having heard learned counsel for the petitioner, this Court finds no fault with the impugned order.

It is not disputed that a decree dated 10.2.2009 was passed against the judgment debtors and in favour of the plaintiff directing the Municipal Committee to remove the illegal construction of a drain dug in the land of the plaintiffs measuring 88 kanals and 1 marla in the suit land

fully described in the plaint. The encroachment was required to be removed within one month, failing which, the decree holder was held entitled to remove the same through the agency of the Court. It is further apparent from the reading of the impugned order that the judgment debtors had filed repeated objections to the decree, which were dismissed by the Executing Court. Learned Executing Court ultimately was constrained to summon the Principal Officer through warrants of arrest for execution of the judgment and decree.

At this stage of dictating the order, learned counsel for the petitioner-Municipal Committee, Malerkotla prays for permission to withdraw the present revision petition in order to file a proper application before the Executing Court to show the compliance of the decree and for other necessary relief.

Prayer being reasonable is accepted. Present petition is dismissed as withdrawn with the liberty to the Municipal Committee to approach the Executing Court.

January 21, 2015
manoj

(JASWANT SINGH)
JUDGE