

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

**Civil Revision No.5189 of 2013 (O&M)
Date of Decision: August 31, 2015**

Lakhmir Singh and others

.... Petitioners

vs.

Baldev Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. L.S. Bhangu, Advocate for the petitioners.

None for State of Punjab.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 22.05.2013 (Annexure P-1) passed by learned learned Civil Judge (Jr. Divn.), Rajpura, vide which it has been held that the decree has been satisfied.

The grouse of learned counsel for the petitioner is that on 04.10.2012, only symbolic possession was delivered and it was mentioned by the field Kanugo that the physical possession was to be delivered only after the payment of damages.

It is stated that now the damages have been deposited, therefore, now the physical possession is required to be delivered.

The objections filed by the J.D. have already been dismissed.

At the motion stage, since it was alleged that the keys of the shed are with the Station House Officer, Ghanaur, District Patiala, therefore, the notice was issued to the State of Punjab only.

After going through the file and report of the Field Kanugo, I am of the view that the lower court erred in holding that the decree has been satisfied. Once, the symbolic possession is delivered, damages are required to be deposited. If the damages have been deposited then the warrants of actual possession have to be issued by the court and executed by actual delivery of possession and entry in this regard be made in the record of revenue authorities.

It being so, the present revision petition is allowed and the impugned order is set aside. The lower court is directed to issue the warrants of actual possession after the payment of the damages. However, the petitioners claim that the damages have been deposited and has been received by the Judgment Debtor, vide Annexure P-7. This aspect be also noted by the lower court.

August 31, 2015
sarita

(KULDIP SINGH)
JUDGE