

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

**CR No.5448 of 2015 (O&M)
Date of decision : 24.08.2015**

Smt. Naresh Kumari

...Petitioner

versus

Smt. Seema Lumba

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

RITU BAHRI, J (Oral)

The petitioner has come up in revision petition against the order dated 31.07.2015, whereby objections filed by the petitioner/judgment debtor has been dismissed and an application filed by the respondent/decreed holder for breaking open the locks has been allowed.

The petitioner is the judgment debtor vide judgment and decree dated 01.05.2013, vide which the suit of the plaintiff Seema Lumba for specific performance had been decreed. The suit was decreed ex-parte as the counsel for the judgment debtor did not appear before the trial Court and she was proceeded against ex-parte. During the execution proceedings, the objections were filed by the petitioner/judgment debtor taking the ground that against the ex-parte decree an application under Order 9 Rule 13 read with Section 151 CPC had been filed and notice had been issued to the decree holder.

However, pursuant to the decree dated 01.05.2013, the decree holder got the sale deed executed through the Court. The trial Court while considering the objections of the judgment debtor, rightly came to the conclusion that on 22.09.2014 reader of the Court was appointed as a local commissioner to get the sale deed executed and thereafter warrants of possession were ordered to be issued. Decree holder filed a separate application for breaking open the locks of the premises so that possession could be delivered to the decree holder. Moreover, as per report of the bailiff on the application filed by the decree holder for breaking open the locks of the premises, on 01.12.2014 possession of only two rooms could be delivered whereas the other two rooms have been locked by the judgment debtor. In the above background due permission was granted to the bailiff to break open the locks and to deliver the possession of the same to the decree holder and after making the inventory hand over the articles on superdari. Since the sale deed had been executed and part possession of two rooms had been delivered to the decree holder, no ground is made out to interfere in the order dated 31.07.2015, whereby permission has been granted to the bailiff to break open the lock and to deliver the possession of the remaining portion to the decree holder.

Dismissed.

24.08.2015
Vinay

(RITU BAHRI)
JUDGE