

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

[268]

**Civil Revision No.6002 of 2015
Date of Decision: 16.11.2015.**

Bhagwan Kaur (deceased) through her LRs ...Petitioners

Versus

Gurdial Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Amit Jain, Advocate,
for the petitioners.

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)

An execution petition was filed by the present revisionists in the year 2000. It was at the stage of issuance of warrants and symbolic possession. The decree holder could not deposit the munadi fee and therefore, the execution was dismissed under Order 9 Rule 2 CPC on 21.03.2014. An application to restore the said execution was also dismissed vide order dated 24.07.2015.

I have heard learned counsel for the petitioners and have also carefully gone through the file.

I am of the view that it is pathetic that the execution was pending for the last 14 years and the decree could not be executed.

However, when the actual symbolic possession was to be delivered

and the decree holder failed to deposit the munadi fee, the Lower Court, in place for directing the decree holder to deposit the munadi fee, got rid of the execution by dismissing it in default.

In view of the matter and keeping in view that the execution remained pending for the last 14 years and could not be executed, the impugned orders are set aside, the execution stands restored to its original number. The petitioner is directed to deposit munadi fee within 15 days of receipt of a copy of this order and thereafter the Lower Court will proceed to execute the decree expeditiously, without further delay.

The present revision stands allowed, accordingly.

November 16, 2015

Ankur

**(KULDIP SINGH)
JUDGE**