

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

Civil Revision No.6801 of 2013

Date of decision:30.10.2015

Baljit Singh

... Petitioner

versus

Devinder Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Kartik Gupta, Advocate,
for the petitioner.

None for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (*Oral*)

1. A decree holder, who took possession of the property through court on 05.06.2013, was dispossessed by the judgment debtor on the same night with the locks placed by the decree holder.

When the restoration of possession was sought, the court has rejected it advising him to file an independent suit or to approach the police authority.

2. The court has abdicated its duty in supporting a decree holder who has obtained possession through court. Order 21 Rule 98(2) CPC is an indication of what the court can do if obstruction is

caused by the judgment debtor himself by causing an arrest and detention in civil prison for a term which may extend to 30 days. The order passed is set aside and I direct the Executing Court to issue notice to show cause against arrest to the judgment debtor and redeliver the property to the plaintiff by appointing a bailiff for such delivery. The judgment debtor shall be forewarned against any obstructive tactics and will come by serious notice for disobedience of the decree if this order is not complied with.

3. Civil revision is allowed with the above directions.

(K.KANNAN)
JUDGE

30.10.2015
sanjeev