

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7319 of 2015 (O/M)
Date of decision : 2.11.2015

Allahabad Bank

..... Revisionist

Versus

Smt. Murti Mittal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Raman B. Garg, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 16.10.2015 (Annexure-P-2), passed by the learned Civil Judge (Junior Division), Ambala, vide which the application of the present revisionist-Bank under Section 151 of Code of Civil Procedure, 1908, for deferment of demolition and grant of time to voluntarily demolish the portion of the building under their possession, was dismissed.

Learned counsel for the revisionist claims that in the execution proceedings, Senior Manager of the revisionist-Bank had

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earlier, vide statement dated 20.11.2010, sought four months' time to shift the premises. The time was granted. However, it could not be done as the requisite permission from the Municipal Council for shifting into new building could not be obtained. Therefore, further extension of time was sought to voluntarily demolish the portion of the building under their possession. The prayer of the revisionist-Bank for extension of time has been declined.

The perusal of the file shows that the civil suit was filed in the year 1992. It was decided in the year 1999. The execution was filed in the year 2004. Now, 11 years have elapsed, but the decree could not be executed. The revisionist-Bank has already obtained five years' time after making their statement on 20.11.2010 to vacate the building and demolish the portion of the building under their possession, but the same has not been done so far.

Now, learned counsel for the revisionist-Bank contends that they may be granted two months' time only to voluntarily demolish the portion of the building under their possession, failing which the decree can be executed with police help and without any further orders from any Court.

Though, the revisionist-Bank is not entitled to any concession for having delayed the execution, however, keeping in view that it is a public institution, two months' time is granted, starting from today to vacate the premises. The said time shall

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expire on 1.1.2016, during which the revisionist-Bank will demolish the portion of the building under their possession so as to satisfy the decree. However, this concession is granted subject to deposit of Rs. 20,000/- as costs in District Legal Aid Fund, Ambala. If till 1.1.2016, the requisite is not done, the officers of the revisionist-Bank responsible for running its affairs in addition to the enforcement of decree shall also be liable to contempt of court, for violating the undertaking given today.

Disposed of with abovenoted observations.

Copy of this order be given dasti to the learned counsel for the revisionist-Bank under the signatures of Bench Secretary of this Court.

(KULDIP SINGH)
JUDGE

2.11.2015
sjks