

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

CR No.7193 of 2012 (O&M)

Date of decision: 15.12.2015

Gurnam Singh

... Petitioner

versus

Lakhbir Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms.Sukhmani Tiwana, Advocate for
 Mr.Vikas Singh, Advocate for the petitioner.

K.Kannan, J.(Oral)

Third respondent has been served. None appears. Service deems sufficient.

Decree holder had secured decree for injunction for Khasra No.10/1. A complaint of disobedience of the decree was made in the application under Order 21 Rule 32 CPC and the particular aspect of disobedience was stated to be an encroachment caused by the defendant. The decree holder had the benefit of inspection by the Local Commissioner, who has furnished the report and it is made reference to the effect that property in Khasra No.20//10/1 or 20//10/2 stand merged and the particular reference to any encroachment as having been caused in the manner complained of by the decree holder could not be identified. The Court dismissed the petition stating that it

is not possible to find that there is any disobedience of the order of injunction in a case where a specific identification of the property in Khasra No.20//10/1 was not brought out to the Commissioner's report. I will not find any reason for interference or will give liberty to the petitioner to approach the Executing Court again through an independent application and secure the benefit of even a fresh inspection. If the identity of the property with reference to Khasra No.20//10/1 could be made by reference with reference to all the records which must have existed at the time of filing of suit so that if the court finds any construction or act that will amount to interference to the plaintiff's decree by the defendant, the Court will pass appropriate orders in accordance with law.

The order already passed is maintained but the decree holder will have the liberty granted to him as aforesaid.

The revision petition is disposed of.

(K.KANNAN)
JUDGE

15.12.2015

Meenu