

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.7918 of 2014

Date of Decision.24.07.2015

Mohan Singh

.....Petitioner

Versus

Daljit Kaur

.....Respondent

Present: Mr. Akhilesh Vyas, Advocate for
Mr. Naveen Batra, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The revision petition is against the order passed by the Executing Court dismissing an application under Order 21 Rule 32 CPC. The decree-holder's contention is that there was decree for injunction restricting the defendant in any way interfering with his possession say by process of law. The contention was that he holds the property as a mortgagee and the defendant who is a sharer of the property cannot dispossess him otherwise than by due process of law.

2. The Court made reference to the decree that was passed and has also made reference to the fact that there was an appeal against the decree which had allowed for payment of not merely the mortgaged amount but also the other expenses. The principal amount of the mortgage was already deposited in the treasury and the additional amount of interest and costs have been deposited subsequent to the disposal of the case. The Executing Court found that the entire amount

due under the mortgage had been fully paid and if the mortgage was redeemed, there was nothing for the plaintiff to complain of regarding continuance in possession and state that there had been any disobedience of the order of injunction.

3. I find the order to be very reasoned one and no cause for intervention is called for. The revision petition is dismissed.

(K. KANNAN)
JUDGE

July 24, 2015
Pankaj*