

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

CWP No.7124 of 2010 (O&M)

Date of Decision:-27.02.2015

Satya Pal

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE RITU BAHRI.**

**Present:- Mr. Sanjiv Gupta, Advocate
for the petitioner.**

Mr. Gaurav Garg Dhuriwala, DAG Punjab.

Mr. Harsh Aggarwal, Advocate for
Municipal Corporation, Ludhiana-respondents No. 4.

Mr. R.S. Longia, Advocate.

SATISH KUMAR MITTAL, J.(Oral)

This writ petition has been filed by the decree-holder for issuing direction to the respondents to comply with the judgment and decree passed by the Civil Court in his favour.

Undisputedly the execution of the said decree is pending before the Executing Court (Civil Court) Ludhiana. Learned counsel for the petitioner states that inspite of the fact that the decree was passed in the year 1999, the same has not been executed till date because in execution of the decree some police help is required. While entertaining this petition, a direction was issued that the Municipal Corporation Ludhiana shall comply with the order dated

10.1.2014 passed by the Executing Court. During the pendency of this petition certain amount was deposited by the petitioner for providing police help in getting the decree executed.

We are of the opinion that for execution of the decree a complete procedure has been provided under The Civil Procedure Code, 1908, under Order 21 Rule 1 to 107 CPC. In those provisions the Executing Court has also been empowered to grant police help in execution of the decree in an appropriate case.

In view of the said factual and legal position learned counsel for the petitioner very fairly states that decree in the favour of decree holder could be executed fairly under those provisions particularly when the execution is still pending before the Executing Court (Civil Court), Ludhiana.

In these circumstances, we are not inclined to entertain this petition and dismissed the same, with liberty to the petitioner to pursue the execution petition filed by him which is pending before the Executing Court. The amount deposited by the petitioner in this Court vide order dated 9.9.2014 is directed to be refunded back to him, and he will be at liberty to move necessary application before the Executing Court for providing police help for execution of the decree, if execution of the decree is not possible without such help. He can

raise all the issues pertaining to this execution before the Executing Court.

In view of these fact, this petition is dismissed with the aforesaid liberty.

**(SATISH KUMAR MITTAL)
JUDGE**

27.02.2015
reema

**(RITU BAHRI)
JUDGE**