

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

**CR No.18 of 2016
Date of decision: 01.06.2016**

Smt. Bhorl & others

.....Petitioners

Versus

Rohtash & another

.....Respondents

. . .

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sushil Bhardwaj, Advocate for the petitioners.

Mr. Jatin Hans, Advocate for the respondents.

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DARSHAN SINGH, J (ORAL)

The present revision petition has been preferred against the order dated 05.12.2015, passed by the learned Civil Judge (Jr. Divn.), Bhiwani, whereby the petitioners/judgment debtors have been directed to remove the fresh construction raised by them. The warrants for detention of the petitioners in the civil imprisonment have also been ordered to be issued.

2. It is an admitted fact that a decree for permanent injunction was passed against the petitioners restraining them to make any encroachment in the street and not to raise any further construction and also to remove the encroachments already made. The petitioners have preferred an appeal against the decree dated 28.04.2015, passed by the learned trial Court but the said appeal was dismissed as withdrawn as a result of the compromise between the parties, however, the decree passed by the learned trial Court was not upset and had attained finality.

3. That the respondents/decreed holders had filed an application under Order 21 Rule 32 read with Section 151 of the Code of Civil Procedure, 1908, for execution of the decree dated 28.04.2015. During the pendency of the said application, the learned trial Court appointed a Local Commissioner. The Local Commissioner has reported about the construction of the new wall at certain points shown by him in his site plan in the disputed street.

4. Learned counsel for the petitioners/judgment debtors had assured the Court that the petitioners/judgment debtors will remove the encroachment shown in the report of the Local Commissioner and his site plan from the street in dispute within 15 days from the date of this order.

5. Learned counsel for the respondents states that in view of this undertaking given by the learned counsel for the petitioners, the present revision petition may be disposed of and the respondents are not interested for the detention of the petitioners/judgment debtors in the civil imprisonment.

6. Thus, the present revision petition is hereby disposed of in view of the assurance given by the learned counsel for the petitioners/judgment debtors that they will remove the encroachment as mentioned in the report as well as the site plan prepared by the Local Commissioner within 15 days from today. If that is done so, the learned executing Court will not execute the warrants for detaining the petitioners/judgment debtors in the civil imprisonment.

01.06.2016
Vinay

[DARSHAN SINGH]
JUDGE