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

**C.R. No.257 of 2016 (O&M)
Date of Decision : 15.01.2016**

Suresh Kumar

..... Petitioner

Versus

Subhash Chander

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Dr. Praveen Hans, Advocate
for the petitioner.

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?

AJAY TEWARI, J. (Oral)

This petition has been filed for setting aside the order dated 07.07.2015 (Annexure P-1) passed by the Executing Court on the ground that the execution petition has wrongly been disposed of being fully satisfied.

As per the original dispute the petitioner had affixed an almirah in his shop abutting the verandah and the respondent was a tenant in that almirah. After the eviction was allowed it is not disputed that the almirah has been removed but it has transpired that the respondent has not vacated the verandah and is now trying to run his business from the verandah. It

was in these circumstances that the Executing Court observed that the eviction related only to the almirah and not to the verandah because verandah is public premises.

Resultantly, in the considered opinion of this Court, no fault can be found with the order of the Executing Court and the only option before the petitioner is to bring an independent action against the respondent restraining him from illegally obstructing the passage in case it is so established.

The petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

January 15, 2016

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**(AJAY TEWARI)
JUDGE**