

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

C.R. No.3112 of 2016

Date of Decision.12.05.2016

Arun Sharma

.....Petitioner

Vs.

Shri Rishi Raj Chauhan and another

.....Respondents

Present: Mr. Samarth Sagar, 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 declining attachment of the property in respect of which the petitioner has obtained a decree for specific performance. The decree was on the basis of a compromise said to have been executed between the parties. The compromise is said to be assailed before the trial Court under the provisions contained in the Civil Procedure Code. When attachment for disobedience of the decree was sought to be made under Order 21 Rule 32 CPC, the Executing Court has observed that since the compromise decree is itself put to challenge and the enquiry is pending, it is not possible to cause any attachment.

2. I find the reasoning of the court below to be correct and will not make any interference. It shall be open to the petitioner to urge the Court before which the application to set aside the compromise is pending to dispose it of at the earliest taking note of a similar objection

said to have been taken at the stage of execution and its order of dismissal confirmed by the High Court in civil revision petition. If only the decree is restored, the issue of disobedience of the decree will arise. The revision petition is disposed of as requiring intervention but with the above observations.

(K. KANNAN)
JUDGE

May 12, 2016
Pankaj*