

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

-.-

CR 3646 of 2014

Date of decision: 07.04.2016

Pritam Singh and another

..... *Petitioners*

Versus

Harminster Singh and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Abhishek Arora, Advocate
for the petitioners

Mr. Tarun Vir Singh Lehal, Advocate
for respondent No. 4

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J. (Oral)

Counsel for the petitioners has submitted that the petitioners are only interested in execution of decree dated 03.08.2006 in its letter and spirit and removal of septic tanks in compliance thereof.

Counsel for respondent No. 4 has submitted that the septic tanks have not been removed from the spot as some ladies belonging to the area created ruckus and obstacles in removal thereof and said fact has been incorporated in the application dated 02.01.2012 submitted by the Municipal Council Shrihind, Fatehgarh Sahib (in short, MC) through its executive officer. He has further submitted that respondent No. 4 is ready to comply with the decree but the officials of the MC may be allowed necessary police help for doing the needful.

I have heard counsel for the parties and perused the records.

The executing Court has disposed of the execution petition being satisfied by taking adverse view that Bhupinder Singh, one of the decree holders has signed the document Ex. JD/A (Annexure P4) to the effect that they are satisfied with the proceedings initiated by the Nagar Council, Sirhind. However, the Court has failed to take into consideration the application dated 02.01.2012 filed by the MC wherein it has been specifically mentioned that septic tanks could not be removed from the spot.

Be that as it may, it is an admitted position of the case that septic tanks, in compliance with the decree dated 03.08.2006 have not been got removed from the spot by respondent No. 4. That being so, the impugned order, disposing of the execution petition as satisfied, is set aside and the matter is remitted to the executing Court for execution of the decree. Respondent No. 4 would be at liberty to file an appropriate application for seeking police help, if so required, to comply with the decree.

(Rekha Mittal)
Judge

07.04.2016
mohan