

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

C.R. No.5048 of 2016

Date of Decision.08.08.2016

Suba Singh and another

.....Petitioners

Vs.

Mohinder Singh and others

.....Respondents

Present: Mr. Vivek Salathia, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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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AMIT RAWAL J. (ORAL)

The petitioner-decree holder is seeking intervention of this Court for appropriate direction to the Executing Court for disposal of the execution petition (Annexure P-2) filed for implementing the order dated 11.04.2014 and for providing police help on the premise that the judgment and decree dated 11.11.2009 qua injunction passed in their favour, was flouted by dispossession by the respondents and accordingly, the application filed under Order 21 Rule 32 CPC was allowed vide order dated 11.04.2014. As per the bailiff report, the resistance was shown by the respondents-judgments debtors and for want of police help, the aforementioned decree could not be executed.

Mr. Vivek Salathia, learned counsel for the petitioners has referred to the zimni orders to contend that even after moving of the application dated 23.05.2014, the Court again issued the warrant of possession for 11.07.2014 but the report came that it could not be executed

for want of police help and therefore, from 19.09.2014 to 31.05.2016, same very orders are passed, as arguments are not advanced and on joint request, the case was adjourned to another date. Once the decree-holder is before the Court to seek the execution, a joint request on the part of the counsel, can be there on one or two dates, particularly, when the date was being taken on the basis of compromise but it could not be on all dates. Stereotype orders are being passed by the trial Court.

I have gone through the zimini orders and in agreement with the submission made by the counsel Mr. Salathia i.e. similar type of orders are being passed on each and every date. It cannot be expected at the behest of the petitioner-decree holder, who is seeking implementation of the order dated 11.04.2014 with the intervention of police, of not addressing the arguments. No sane person would seek adjournments in the mode and manner indicated in the zimini orders.

Accordingly, the present revision petition is disposed of with the direction to the trial Court to decide the application (Annexure P-2) within a period of one month from the date of receipt of copy of this order and comments of the concerned Judge are also called for, as to why he did not hear the arguments or convinced the parties to argue the matter but kept the matter lingering on, as indicated in the zimni orders or actually joint request was made for adjournment on behalf of counsel for the parties.

(AMIT RAWAL)
JUDGE

August 08, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No