

CR No. 5259 of 2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5259 of 2017 (O&M)

Date of Decision: 21.9.2017

Surya Parkash (deceased) through LR's and others

.....Petitioners

Vs.

Dhanpati

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. R.N. Lohan, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the orders dated 15.2.2017 (Annexure P-3), 14.3.2017 (Annexure P-4) and 20.5.2017 (Annexure P-5), whereby the learned executing court attached the property of the petitioners-judgment debtors, they have approached this court by way of present revision petition under Article 227 of the Constitution of India.

When the case came up for hearing on 28.8.2017, following order was passed by this Court:-

“After arguing the case for some time and having been failed to convince this Court on merits, learned counsel for the appellants in the appeal and for the petitioners in the civil revision petition, seeks short adjournment to enable him to place on record respective undertakings by way of affidavits on behalf of all the appellants-petitioners, as per the instructions given to

learned counsel for the appellants by one of the appellants namely Sh. Jai Parkash @ Jai Kishan, who is present in the Court, so as to undertake that the appellants-petitioners shall vacate the suit property mentioned in the civil suit, within a period of one month.

On his request, adjourned to 06.09.2017.”

Thereafter, when the petitioners could not come present because of bereavement in their family, another opportunity was granted to them to comply with the abovesaid order, adjourning the case for today, i.e. 21.9.2017, vide order dated 6.9.2017, which reads as under:-

“Learned counsel for the appellants submits that because of bereavement in the family of appellants, they could not come present today so as to comply with the previous order dated 28.8.2017 passed by this Court. He seeks more time to ensure strict compliance of the above-said order dated 28.8.2017.

On his request, adjourned to 21.9.2017.”

In compliance of the abovesaid orders, learned counsel for the petitioners has shown to this Court affidavits of all the six petitioners, wherein the petitioners have undertaken to vacate the physical possession of the suit property within a period of 15 days. All the six undertakings in the form of affidavits dated 18.9.2017 sworn by all the six petitioners are taken on record as Mark A, B, C, D, E and F.

In view of the above, present revision petition is disposed of with a direction to the learned executing court to detach the property of the petitioners after a period of three weeks from today but only after ensuring

that the petitioners have complied with the orders passed by this Court and also their undertakings furnished in their abovesaid affidavits, by vacating physical possession of the suit property within a period of two weeks from today.

Should there be any confusion in this regard, it is also clarified that in case petitioners do not obey their undertakings and do not vacate the physical possession of the suit property within a period of 15 days, as undertaken by them in their respective affidavits, the impugned orders (Annexure P-3 to P-5), passed by the learned trial court would stand revived and learned executing court shall proceed further, in accordance with law.

With the abovesaid observations made and directions issued, present revision petition stands disposed of, however, with no order as to costs.

21.9.2017
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No