

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

**CR No.7619 of 2017(O&M)**

**Date of decision: 07.11.2017**

**Sham Dass Sharma through LR**

**....Petitioner**

**V/S**

**Bharat Bhushan and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE B.S. WALIA**

Present : Mr. Harminder Singh, Advocate for the petitioner.

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**B.S. WALIA, J. (Oral)**

**CM No.23494-CII of 2017**

CM is allowed subject to all just exceptions.

**CR No.7619 of 2017**

Learned counsel for the petitioner states that no objections were pending before the Executing Court, the same having already been decided and the order deciding the objections has been confirmed by this Court vide order dated 23.1.2017 (Annexure P-1). He further states that while passing order dated 23.1.2017 (Annexure P-1), this Court was pleased to observe that the petitioners therein i.e. respondents No.1 to 3 herein, were the only persons having staked a claim in the property as they had purchased the same during the pendency of the litigation and had been trying to delay the proceedings by raising one frivolous plea after the other and that normally, such conduct would entail imposition of exemplary costs but taking a lenient view in the matter, this Court was pleased to

refrain from imposing costs and disposed of the revision petition i.e. CR No.876 of 2015 by directing the Executing Court to expedite the proceedings and ensure that the decree was executed at the earliest with police help, as per law.

Learned counsel by referring to orders dated 22.05.2017, 03.07.2017, 14.07.2017, 29.07.2017 and 05.08.2017 states that despite the categorical order of this Court dated 23.01.2017 in Civil Revision No.876 of 2015, learned Executing Court is adjourning the case from time to time for recording statements of parties and for consideration of objections. Learned counsel contends that the action of the learned Additional Civil Judge (Senior Division) Pathankot in adjourning the proceedings from time to time in view of categorical order dated 23.01.2017 passed in Civil Revision No.876 of 2015 is absolutely without any authority of law.

I have considered the submissions of learned counsel for the petitioner.

Vide order dated 23.01.2017 (Annexure P-1), this Court had categorically directed the expeditious conclusion of the proceedings to ensure that the decree was executed at the earliest but a perusal of orders dated 03.07.2017, 14.07.2017, 29.07.2017 and 05.08.2017 reveals that the learned trial Court is oblivious of the order passed by this Court on 23.01.2017 in Civil Revision No.876 of 2015.

In the circumstances, the revision petition is disposed of by directing the learned Additional Civil Judge (Senior Division), Pathankot, to take effective steps to comply with the order dated 23.01.2017 passed by this Court in Civil Revision No.876 of 2015 forthwith and to ensure that the decree in question is executed at the earliest, in accordance with law. Needful be done as expeditiously

as possible preferably within a period of 08 weeks from the date of production of certified copy of this order before the learned Executing Court.

With the aforementioned directions, the present revision petition is disposed of.

**November 07, 2017**

*ps*

**( B.S. WALIA )**

**JUDGE**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.