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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7984 of 2017

Date of Decision : 17.11.2017

SATBIR SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

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

Present: Mr. Amit Chaudhary, Advocate for the petitioner.

B.S. WALIA, JUDGE (ORAL)

[1] Prayer in the revision petition is for the issuance of appropriate orders / directions to the learned trial Court to decide execution application No.181/2014 dated 22.12.2014 (Annexure P-1) filed under Order 21 Rule 11 of the CPC in a time bound manner in accordance with the spirit of law.

[2] For the reasons mentioned hereunder, I propose to dispose of the revision petition by directing the learned Executing Court to expeditiously decide the execution application in accordance with law.

[3] Brief facts of the case as set up in the revision petition are that Civil Suit No.138 of 14.04.1982 was filed by the petitioner seeking possession of 2 kanal of land claimed to be in the unauthorized possession of the respondents since decades. The suit was decreed by the learned trial Court vide order dated 02.01.1993 directing possession of the suit property to be returned to the petitioner. Civil appeal as well as regular second appeal preferred by the respondents against the judgment

and decree dated 02.01.1993 were dismissed by the learned Appellate Court as well as by this Court vide order dated 30.04.1996 and 23.09.2009 respectively.

[4] Grievance is that although objections filed in the execution application dated 22.12.2014 were dismissed by the learned Executing Court vide order Annexure P-2 dated 16.07.2015, besides no stay was granted to the respondents by the Hon'ble Supreme Court in the SLP, still, possession of the land as per judgment and decree dated 02.01.1993 had not been handed over to the petitioner and the case was being adjourned without any lawful justification for the same.

[5] Learned counsel relies upon the decision of the Hon'ble Karnataka High Court-2012 (60) RCR (Civil) 236 in case titled as '**Smt. K. Manjula** versus **Gagandeep Singh**', to contend that since the suit was decreed in favour of the petitioner on 02.01.1993 and respondents was directed to hand over possession of 2 kanals of land in their unauthorized occupation since many decades, appeal as well as second regular second appeal against the aforementioned judgment and decree dated 02.01.1993 had been dismissed by the learned lower Appellate Court as well as by this Court on 30.04.1996 and 23.09.2009 respectively and no stay had been granted by the Hon'ble Supreme Court in the SLP preferred against the judgment and order dated 23.09.2009, besides objections to the execution application had also been dismissed and no relief had been granted in terms of Order 21 Rule 26 of the CPC nor any stay granted by the Hon'ble Supreme Court, action of the learned Executing Court in not taking the execution proceedings to the logical end was not in consonance with law,

therefore the Executing Court was liable to be directed to take the execution proceedings (Annexure P-1) dated 22.12.2014 to their logical end in a time bound manner.

[6] I have considered the submissions of learned counsel for the petitioner as well as the judgment cited and in the circumstances, am of the view that since the appeal as well as regular second appeal stands dismissed by the learned First Appellate Court as well as by this Court, besides no stay has been granted by the Hon'ble Supreme Court in the SLP against the decision of this Court dated 23.09.2009, nor any order has been passed under Order 21 Rule 26 of the CPC, the Executing Court is liable to be directed to decide the execution application expeditiously in accordance with law.

[7] Accordingly, in the absence of stay, the learned Executing Court is directed to take action expeditiously, in accordance with law to decide the execution application. Revision petition disposed of in limine with aforementioned directions.

(B.S. WALIA)
JUDGE

November 17, 2017

rajneesh

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No