

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

Civil Revision No.8388 of 2016 (O&M)  
Date of Decision:18.08.2017

Mool Chand and another

...Petitioners

Versus

Ram Avtar and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. D.S. Bali, Senior Advocate with  
Mr. Rahul Sharma, Advocate, for the petitioners.

Mr. Z.S. Chauhan, Advocate for respondent No.1.

**ANIL KSHETARPAL, J.**

Judgment-debtors are in Revision Petition against order dated 21.11.2016. Petitioners-judgment debtors were found to have violated the decree, hence, sent to civil imprisonment for 3 months.

The decree dated 27.07.1991 was passed on the basis of compromise between the parties. Counsel for the petitioners, at the outset, has submitted that in execution proceedings, possession of the land has been delivered to the decree-holder.

In view of the fact that possession has already been delivered, in my considered opinion, now the order of civil imprisonment is required to be set aside. The civil imprisonment was ordered only because the petitioners-judgment-debtors were refusing to comply with the decree. Once the decree of the Court has already been complied with and possession has been delivered to the decree holder, keeping the petitioners in civil

imprisonment would not be justified.

In view of what has been stated above, the order of civil imprisonment is set aside.

Counsel for the petitioners has stated that such decree is the result of fraud. Petitioners would be at liberty to initiate the appropriate proceedings before the competent Court of jurisdiction.

**(ANIL KSHETARPAL)**  
**JUDGE**

18.08.2017  
sk

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |