

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CR No.156 of 2016
Date of decision: 26.02.2018

OCM Woollens Retail Shop

..... Petitioner

Versus

Ram Tirath through LRs Deepak Kumar
and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Nimanyu Gautam, Advocate
for the petitioner.

Ms. Seema Pasricha, Advocate, for
Mr. Vikas Sagar, Advocate
for respondents No.1 (i) & (ii).

None for respondent No.2(i) and 3.

ANIL KSHETARPAL, J. (ORAL)

Decree-holder is in revision petition against the order passed by learned Executing Court framing two issues and directing the parties to lead evidence. The issues framed are extracted as under:-

- “1. Whether the JDs have disobeyed the order dated 21.11.2014 passed by this Court?OPDH*
- 2. Whether the possession of the first floor has already been transferred to JDs by decree-holders?OPJD/O”*

Learned counsel for the decree-holder has submitted that the decree in question was passed in favour of his client on 28.02.1985 which has been confirmed upto this Court in regular second appeal. He submits that the judgment-debtor is unnecessarily harassing his client. He has also

referred to the interim order passed by the Executing Court on 21.11.2014 wherein directions were issued to the judgment-debtor not to obstruct or block common stair case and not to prevent the decree-holder to have access through stair case.

In the considered opinion of this Court, there is some substance in what learned counsel for the petitioner has submitted, however, the learned Executing Court has already held that in view of the rival stand taken by the parties, some amount of evidence would be required for deciding the dispute.

Such being the position, in the considered opinion of this Court, ends of justice would be met if the Executing Court is directed to take up the execution petition on day to day basis and decide the same finally within a period of two months from the date of receipt of certified copy of this order.

Revision petition is disposed of.

26.02.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No