

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

**CR No.2711 of 2017 (O&M)**

**Date of decision : March 01, 2018**

**Darshan Singh and another**

**..... Petitioners**

**Versus**

**Charan Dass Sharma**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:-** Mr. Sandeep S. Majithia, Advocate for the petitioner.

Dr. Deepak Nayar, Advocate for the respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

**KULDIP SINGH J. (ORAL)**

**CM-8995-CII-2017**

Application is allowed as prayed for.

The copy of the judgment dated 09.01.2010 passed by learned Addl. Civil Judge (Sr. Divn.), Amritsar, is taken on record as Annexure P-6.

**Main Case**

Impugned in the present revision petition is the order dated 16.02.2017 (Annexure P-4) passed by learned Addl. Civil Judge (Sr. Divn.), Amritsar, vide which in the execution proceedings, an application filed by the judgment debtor for appointment of Civil Engineer to verify the actual and factual position regarding the existence of the property of the DH and JD, was dismissed.

It comes out that in pursuance of the execution of the decree passed in a suit for possession, the warrants of possession have been issued. As a result of the issuance of the warrants of possession, a wall, which is supporting the roof of the house of the defendants-petitioners has to be demolished.

The plea of the learned counsel for the petitioner is that once the wall, which is a support to the roof of their house, is demolished, the roof of the house will also collapse. Therefore, the opinion of the Civil Engineer is necessary to find out way and means to save the roof of the house of defendants-J.Ds.

I am of the view that no opinion of the Civil Engineer is required to be taken by the Court while executing warrants of possession. The petitioner knows that wall beneath the roof is being removed, as a result of which his roof may collapse. Therefore, they can make a request to the Executing Court to grant him some time, so as to construct pillars/wall or necessary support, so that when the wall is demolished, the roof of their house does not fall.

As such, there is no illegality or infirmity in the impugned order. Thus, the present revision petition is dismissed.

However, the defendants-petitioners are granted three weeks' time from today to construct supporting pillar/wall to save the roof of their house when the demolishing work is carried out. After three weeks, the Executing Court shall issue the warrants of possession to demolish the wall, in terms of the decree.

**(KULDIP SINGH)**  
**JUDGE**

**March 01, 2018**

sarita

Whether speaking / reasoned                      Yes

Whether Reportable:                                      No