

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

CR No.3002 of 2017 (O&M)
Date of decision : 24.01.2018

Ramjan Khan

...Petitioner

Versus

Gram Panchayat Village Agaon

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tanmoy Gupta, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

CM No.974-CII of 2018

For the reasons stated in the application, which is duly supported by an affidavit, application is allowed.

Copy of order dated 24.12.2014 passed by the learned Additional Civil Judge (Sr. Division), Ferozepur Jhirka is taken on record, subject to all just exceptions.

Main Case

This revision petition is against the order dated 22.11.2016 issuing the warrants of attachment of the property of the Judgment Debtor so as to recover the amount of compensation of ₹2,50,000/-.

The Decree Holder is aggrieved of the aforesaid order on the ground that the roots of the trees were not handed over to him by the defendant and, therefore, even if those roots have now grown into the trees,

still he is entitled to cut the trees which have now grown up. This Court has considered the submission. The operative part of the decree passed by the trial Court reads as under:-

“It is ordered that the suit of the plaintiff stands decreed with costs to the effect that the plaintiff is entitled to the relief of mandatory injunction whereby the defendant is directed to hand over the roots of trees over the land mentioned in para No.1 of the plaint. In case the defendant fails to hand over the roots of trees to the plaintiff in contravention of the terms of the lease, he shall be paid Rs.2,50,000/- as compensation by the defendant Gram Panchayat. The defendant is restrained from leasing out the suit property to any third person without handing over the roots of the trees.”

A careful reading of the decree passed clearly spells out that the defendant was directed to hand over the roots of the trees to the plaintiff. However, in case the defendant failed to hand over the roots of the trees, the plaintiff was held entitled for a payment of money of ₹2,50,000/-. Learned Executing Court has ordered the payment thereof.

In view thereof, there is no ground to interfere with the impugned order passed.

Revision petition is dismissed.

24.01.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No