

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

**Civil Revision No.4376 of 2016 (O&M)
Date of Order:09.02.2018**

Joginder Ram

..Petitioner

Versus

Kirpal Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dhirinder Chopra, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The decree-holder-petitioner is in revision petition against the order dismissing application under Order 21 Rule 32 of the Code of Civil Procedure for punishing the Judgment Debtor. It is the case of the petitioner-decree-holder that in an earlier suit filed by the petitioner against the respondent, an ex-parte decree of injunction was granted on 02.05.2002 restraining the defendants from interfering in the possession of the courtyard of the petitioner. The respondent-judgment debtor was defendant no.3 in the aforesaid suit. It is further stated that the judgment debtor had filed an application under Order 39 Rule 1 and 2, which was dismissed and the order was affirmed in the appeal.

Petitioner-decree holder thereafter filed an application under Order 21 Rule 32 of the Code of Civil Procedure, asserting that after the passing of the decree, judgment debtor had entered into possession and constructed a septic tank in a part of the courtyard.

Learned Executing court after appreciating the evidence

available on the file, dismissed the application.

I have heard counsel for the petitioner and with his able assistance gone through the documents filed.

In the considered opinion of this Court, there is no unimpeachable evidence available on the file to record a finding that the defendant entered into possession or constructed septic tank after the passing of the decree. If the respondent has interfered in the possession of the petitioner and has raised some construction, petitioner would be at liberty to file a separate suit for redressal of his grievance.

Nothing observed by this Court while deciding the revision petition would come in the way of the petitioner.

The revision petition is disposed of accordingly.

February, 09, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No