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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6770 of 2018

Date of Decision: 21.11.2018

Karamjit Singh

..... Petitioner

Versus

Kaku Ram and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ajaivir Singh, Advocate,
for the petitioner.

Ms. Meena Bansal, Advocate,
for respondents No.1 to 5 and 7 to 10.

SUDIP AHLUWALIA, J. (ORAL)

Heard both sides.

2. The present revisional petition is directed against the impugned order dated 27.09.2018, passed by the Ld. Civil Judge (Junior Division), Khanna, in Execution Case No.1087 of 2013.

3. Vide the impugned order, the objections filed on behalf of the Decree Holders/respondents against an earlier Report submitted by an Advocate Commissioner had been disposed off and the Ld. Executing Court had appointed a Government Official, being the Tehsildar, Khanna, as a Local Commissioner to visit the spot and locate the disputed property. In addition, he was given authority to get the decretal property located, for which purpose he was also authorized to take the help of manpower or

machinery at the expense of the Decree Holders.

4. The basic grievance of the petitioner/judgment debtor to the aforesaid order is that the Ld. Executing Court had virtually handed over the powers of execution to an entity, who was basically appointed only to hold a Local Commission, and determine the actual contours of the decretal property, notwithstanding the fact that such Commissioner otherwise happens to be a Government Official.

5. It transpires that the Report has since been submitted before the Ld. Executing Court, and that no demolition of any structure or building was made therein in pursuance of an earlier restraint order passed by a Co-ordinate Bench of this Court on 05.10.2018.

6. In the given circumstances, the matter, at this stage, is disposed off with a liberty to the petitioner to file his objections, if any, against the Tehsildar's Report within a period of seven days, after which the Ld. Executing Court shall decide the same on merits positively on or before 21.12.2018. It is further directed that thereafter, the Ld. Trial Court shall resort to appropriate steps to execute whatever is ultimately determined as a result of hearing on the proposed objections.

21.11.2018*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No