

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

CR No.6814 of 2018
Date of Decision : 10.10.2018

Punjab Waqf Board and others

...Petitioner

VERSUS

Didar Singh and another

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

B.S.WALIA, J. (Oral)

1. Learned counsel states that the apprehension of the petitioner-Board is that the property would be sold pursuant to the order of attachment. A perusal of order 21 Rule 32 (1) CPC reveals that where an injunction passed has been not complied with willfully, the decree for injunction may be enforced by detention in the civil prison or by attachment of the property or both and as per sub-Rule (2), where the injunction has been passed against a corporation, the decree may be enforced by the attachment of the property of the corporation or, with the leave of the Court by the detention in the civil prison of the Directors or the other Principal officers thereof, while sub-Rule (3) lays down that where any attachment under sub-Rules (1) and (2) has remained in force for six months, if the judgment debtor has not obeyed the decree and the decree-holder has applied to have attached property sold, such property may be

sold and out of the proceeds, the Court may award to the decree-holder such compensation as it thinks fit and shall pay the balance to the judgment debtor on his application.

2. In the light of the aforementioned legal position, learned counsel for the petitioner states that the petitioner has no intention to violate the judgment and decree dated 31.10.1989 and the petitioner-Board would take action, if required, against respondent No.1/plaintiff, in accordance with law.

3. Once, it is the stand of the petitioner-board that the petitioner-board shall ensure strict compliance of judgment and decree dated 31.10.1989, then the question of sale of property attached would not arise and the same would arise only in the eventuality of a grievance being made by the respondent-decree holder that the decree has been violated despite lapse of period of six months.

4. In the circumstances, finding no merit in the revision petition, the same is dismissed in limine.

(B.S.WALIA)
JUDGE

10.10.2018

rajesh.k.khurana

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No