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

CR No. 7412 of 2018

Date of Decision: 31.10.2018

Tarsem Lal

-Petitioner

Vs

Kanta Devi and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed the order dated 28.08.2018 passed by Additional Civil Judge (Senior Division), Garhshankar whereby execution in terms of Order 21 Rule 32 CPC was dismissed.

Violation of judgment and decree dated 08.01.2008 was alleged. Petitioner-decree holder could not bring on record specific date, time, manner and manner of alleged interference in possession by the judgment debtor. No witness was examined from the locality.

It is a settled principle of law that in the absence of specific instance of interference by the judgment debtor in the suit property decreed in favour of decree holder, execution in

terms of Order 21 Rule 32 CPC by putting the judgment debtor in civil imprisonment cannot be granted. This is more so in view of the fact that civil liberties of the person- judgment debtor is involved.

For the reasons recorded by the Additional Civil Judge (Senior Division), Garhshankar in para no.12 of the impugned order, I do not find any justification to interfere in the impugned order.

This revision petition is accordingly, dismissed.

31.10.2018

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No