

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 7710-2012 (O&M)
Date of decision: 08.02.2018

Haryana State Electricity Board/ HVPNL and another
.....Petitioners
versus
Jagdish Chander and another
.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Sudhir Kashyap, Advocate for
Mr.Gaurav Mohunta, Advocate for the petitioners
Mr.Rajesh Arora, Advocate for the respondent no.1

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Impugned in the present revision is the order dated 17.2.2011 (Annexure P10) passed by the learned Civil Judge (Junior Division), Faridabad, whereby in the execution proceedings, JDs were directed to comply with the decree.

It comes out that vide judgment and decree dated 18.12.2000 (Annexure P2), passed by learned Civil Judge (Junior Division), Faridabad declaration and mandatory injunction was issued directing that the plaintiffs are entitled to pay scale of Rs.1600-2660 w.e.f. 24.10.1991 and pay scale of Rs.5000-8000 w.e.f. 1.1.1996. However, the plaintiffs were not held entitled to interest from the due date till actual payment. The said decree has become final. Now objections were filed by the defendants JDs that it was merely declaratory decree and no mandate has been given, therefore, it is inexecutable.

I am of the view that in addition to the declaration, mandatory injunction was also granted. Therefore, said decree has to be executed with full force. There was no merits in the present objections and the same were rightly dismissed by the trial Court.

Learned counsel for respondent no.1 has informed this Court that decree has since been executed.

There is no merit in the present revision petition. Consequently, the present revision petition is dismissed.

However, if ultimately, the final decree is set aside or varied by the Apex Court, the JDs shall have the right for restitution.

08.02.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No