

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7998 of 2018 (O&M)
Date of Order:27.11.2018

Babu Lal

..Petitioner

Versus

Roshan Lal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Mittal, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

Judgment debtor-petitioner is in the revision petition against the dismissal of his objection petition and the learned trial court issuing warrants of possession.

Some facts would be required to be noticed.

Initially decree holder-respondent filed a suit for permanent injunction by describing the land in dispute as comprised in khasra no.21/7, which was decreed on 01.10.2003. Thereafter, he filed an application for execution and it came to the notice that in fact khasra number as given in the decree is incorrect. The execution petition was withdrawn in the year 2015 and application for correction was filed, which is stated to have been allowed without even issuing notice vide order dated 18.10.2016.

Learned counsel for the petitioner has submitted that the application for re-call of the order dated 18.10.2016 is pending. However, he further submits that in the aforesaid application, interim order has also

been prayed for. He submits that once warrants of possession has been issued, the possession would be taken over, which is part of his house.

Keeping in view the assertions made by learned counsel for the petitioner that the decree which has been got corrected vide order dated 18.10.2016 is without issuing notice to the petitioner, it is considered appropriate to direct the Civil Court to finally decide the application for recall of order dated 18.10.2016, within a period of 15 days starting from the date of receipt of information from this court along with certified copy of the order.

Till then the warrants of possession be kept in abeyance. However, if finally the order dated 18.10.2016 is upheld, the Executing Court would proceed with the execution.

In view thereof, the revision petition stands disposed of.

November 27, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No