

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

CR No.7372 of 2018 (O&M)

Date of Decision:31.01.2019

Kuldeep Singh and another

...Petitioners

Versus

Arwindere Singh and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Satbir Rathore, Advocate for the petitioners.
Mr.Rakesh Gupta, Advocate for the respondents.

ANIL KSHETARPAL, J.

CM-1687-CII-2019

Application is allowed. Annexures R-1 to R-4 are permitted to be taken on record.

Main case

On 30.10.2018, this Court had passed an order, which reads as under:-

“Learned counsel for the petitioners contends that the petitioners had filed a previous Civil Suit No.1425 of 2018, wherein learned counsel for the respondent had taken a stand that only symbolic possession has been ordered by the learned court and actual physical possession would be subject to the out come of the partition proceedings. Previous revision petition was disposed of vide order dated 10.08.2018, operative part whereof is extracted as under:-

“4. Be that as it may, in view of the stand of learned counsel for respondents that only symbolic possession has been ordered by the learned Executing Court and the actual physical possession would be subject to the outcome of the partition proceedings, therefore, the revision petition is disposed of with liberty to the petitioner to take out appropriate steps in accordance

with law before the appropriate forum to seek stay with regard to handing over of actual possession.”

He further submits that, however, immediately after disposal of the revision petition, the Executing Court has chosen to issue warrants of possession, which is clearly against the stand taken by learned counsel for the respondent.

Notice of motion for 23.01.2019.

In the meantime, warrants of possession, if any, issued shall not be executed.”

Learned counsel for the respondents also admits that in the impugned order, there is an error and executing court only issued warrants of possession to deliver only symbolic possession. He has further submitted that symbolic possession has been delivered and the execution stands satisfied and he shall withdraw the execution immediately.

Keeping in view the statement made by the learned counsel for the respondent, the grievance of the petitioner in the present revision petition stands redressed. The order under challenge shall be read in the manner that warrants of possession issued by the court were only to deliver symbolic possession and not actual possession.

Disposed of, accordingly.

31.01.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No