

260

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

**Civil Revision No.1302 of 2019 (O&M)
Date of Decision: 04.09.2019**

GULAB SINGH AND OTHERS

.....Petitioners

Vs

BUL SINGH AND OTHERS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. R.A. Sheoran, Advocate
for the petitioners.

Mr. Sumit Sangwan, Advocate
for respondents No.1 to 5.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 08.01.2019 passed by the Addl. Civil Judge (Sr. Division) Charkhi Dadri, vide which the petitioners were punished and awarded simple imprisonment for three months under Order 21 Rule 32 CPC in execution petition filed by respondents No.1 to 5.

[2]. Notice of motion was issued after noticing some incriminating facts on record. Suit for permanent injunction filed by the the plaintiffs/decreed holders was decreed and the

defendants were restrained from causing any hindrance in the use of the path by the plaintiffs in going through the western *dol* of Killa No.88//24, 99//4 and 7. The decision of the trial Court has already attained finality. In the execution under Order 21 Rule 32 CPC, petitioner No.1 was cited as PW-1 by the decree holders and his affidavit was relied against all the judgment debtors to infer violation of the decree.

[3]. CR No.1370 of 2019 filed by the Hawa Singh and others (other judgment debtors) has already been allowed vide order dated 21.05.2019 passed by the Co-ordinate Bench of this Court. Para Nos.9, 10 and 11 reads under:-

[9] In the light of the position as noted above as also the undertaking of the petitioners to scrupulously adhere to and comply with the judgment and decree dated 22.09.2014 (Annexure P-1) passed by the learned Civil Judge (Jr. Div.) Charkhi Dadri in Civil Suit No.467 of 2010 in case titled as Bul Singh and others vs Gulab Singh and others, impugned judgment directing the petitioners/JDs to undergo civil imprisonment of three months for violating the judgment and decree dated 22.09.2014 (Annexure P-1) passed by the learned Civil Judge (Jr. Div.) Charkhi Dadri in Civil Suit No.467 of 2010 in case titled as Bul Singh and others vs Gulab Singh and others, is set aside as the extreme step of arrest and imprisonment was ordered without resorting to other options for securing compliance. However, in case of failure to adhere to the undertaking to comply with the judgment and decree dated 22.09.2014 (Annexure P-1) passed by the learned Civil Judge (Jr. Div.) Charkhi Dadri in Civil Suit No.467 of 2010 in case titled as Bul Singh and others vs Gulab Singh and others, the

respondents would be at liberty to take action in accordance with law.

[10] Needless to mention, not only would the petitioners/JDs faithfully comply with the undertaking to not violate the judgment and decree dated 22.09.2014 (Annexure P-1) passed by the learned Civil Judge (Jr. Div.) Charkhi Dadri in Civil Suit No.467 of 2010 in case titled as Bul Singh and others vs Gulab Singh and others, but they would also move an application before the Electricity Department within the stipulated period of time as per details given above. On receipt of the application/representation from the petitioners/JDs to shift the electricity pole from the middle of the passage to the fields of the petitioners/JDs, the Electricity Department would take appropriate action in respect thereto in accordance with law expeditiously preferably within a period of two months from the date of receipt of application/representation.

[11] Revision petition allowed in the aforementioned terms.”

[4]. Learned counsel for the parties are *ad idem* that the present revision petition be also disposed of in the same terms.

[5]. Ordered accordingly.

September 04, 2019	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No