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

**Civil Revision No.1557 of 2019
Date of Decision: 06.03.2019**

MALKIAT SINGH @ AMRIK SINGH

.....Petitioner

Vs

IQBAL SINGH AND ORS

....Respondents

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

Present:Mr. Tejinder Pal Singh, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 24.09.2018 passed by the Addl. Civil Judge (Sr. Divn.) SBS Nagar, vide which the application under Order 21 Rule 32 CPC for enforcing the judgment and decree dated 19.03.2008 was dismissed.

[2]. Perusal of the impugned order would show that the Court has taken cognizance of the fact that the alleged violation took place on 02.03.2014 at 5.30 p.m., when the judgment-debtor allegedly trespassed into residential house of the petitioner, abused and manhandled him. On raising protest, the decree holder was threatened with dire consequences and his

household articles were damaged. Many villagers had attracted to the spot. The prominent amongst them were Nirmal Ram, Rashpal Kaur, Buta Singh and Kamaljit Singh, who were present in the house of decree holder. The decree holder further asserted that Iqbal Singh had scaled his wall and gave threats to kill him. A complaint was moved before the police, but the police did not take any action.

[3]. The trial Court further held that no such complaint has come forth on record, nor any steps taken in the police proceedings have been brought on record by the petitioner. No independent witness has been examined. Even photographs of the alleged occurrence have not been produced on record to show any overt act on the part of the judgment-debtor in damaging the household articles of the petitioner. The cross-examination of RW-1 would show that many criminal complaints were filed by the parties against each other. Even the decree holder was acquitted in a criminal case by the Judicial Magistrate, Ist Class which was registered by Captain Piara Singh.

[4]. As per facts appeared on record, the trial Court did not grant any indulgence in terms of Order 21 Rule 32 CPC which in my considered opinion cannot be faulted with. Under Order 21 Rule 32 CPC, the liberty of the judgment-debtor cannot be

curtailed on the basis of material produced by the decree holder which is discrepant in wanting on definite parameters. Solitary statement of the decree holder is not sufficient to attract any such culpability on behalf of the judgment-debtor in the context of alleged violation of judgment and decree on 02.03.2014.

[5]. In view of above, the findings recorded by the trial Court are not found on account of misreading of evidence, nor suffered with any perversity. Finding no merit in this revision, the same is accordingly dismissed.

March 06, 2019

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No