

Mam Chand and others

.....Petitioners

Versus

Sadhu Ram and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ranjit Saini, Advocate, for the petitioners.

NIRMALJIT KAUR, J. (ORAL)

The present revision petition has been filed against the order dated 24.5.2019, vide which, a direction has been issued to remove the obstructions, interference made by the judgment debtors upon the site/suit land in pursuance to the execution of the decree.

Learned counsel for the petitioners while praying for setting aside the said impugned order relied upon the order 21 Rule 32 CPC to contend that in a case of the decree of injunction, the only direction which could have been issued is for attachment the property or retain the judgment debtors in civil imprisonment or both and under no circumstances, the Court could order for removal of the obstructions. Reliance was placed on the judgment of this Court rendered in Narinder Singh vs. Maya Devi, 1999(1) RCR (Civil) 445.

A perusal of the aforesaid judgment shows that the same is not applicable in the facts of the present case. Herein permanent injunction was for restraining the respondents from interfering in the peaceful possession of the plaintiffs, for which, the respondents are required to remove the obstructions put up by them. Thus, in case, for the execution of the decree,

the respondents do not remove the said obstructions themselves, the Court

had no choice but to pass the order impugned herein. To say that the only way out for the Court was to attach the property, cannot be said to apply here wherein the attachment of the property would prejudice the decree holders, who are required to enjoy peaceful possession and would be beneficial to the judgment debtors and contradictory to the decree. The said provisions cannot possibly mean to defeat the very decree itself.

In the view of the same, no ground to interfere with the impugned order is made out.

The revision petition is dismissed accordingly. Consequently, the accompanying applications are also dismissed.

(NIRMALJIT KAUR)
JUDGE

11.7.2019

sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No