

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

112

CR No. 5634 of 2019

Date of Decision: September 11, 2019

Smt. Parkash Kaur @ Pasho thr. GPA

.....Petitioner.

versus

Smt. Bholi @ Kulwant Kaur

.....Respondent.

CORAM: HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. Rajiv Joshi, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (Oral)

This revision is directed against the order dated 02.09.2019 passed by the Ld. Additional District Judge, Jalandhar vide which possession of the disputed property was restored back to the petitioner who happens to be the decree holder, in view of the fact that it was taken over during the course of execution proceedings in pursuance of the decree, even though on 21.12.2018, the Ld. Lower Appellate Court had ordered that the decree in question shall not be executed 'till next date of hearing i.e. 15.02.2019'.

2 It appears that from time to time thereafter the interim order was extended on the subsequent dates although the Ld. Executing Court had much earlier on 15.12.2018 directed issuance of warrants of possession. The subsequent direction of the Ld. Lower Appellate Court apparently was never brought to the notice of the Executing Court at any stage.

3 Execution of the warrant was accomplished on 18.07.2019 although it transpires that even on 06.07.2019, the Ld. Appellate Court had extended operation of the interim order till the next date fixed before it i.e. 06.08.2019.

4 In such circumstances, there is no justification to interfere with the impugned order passed by the Ld. Lower Appellate Court by accepting the petitioner's contention that execution of the decree was done 'inadvertently'.

5 This Court, therefore, finds no merits in the present petition and the same stands dismissed.

September 11, 2019
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[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No