

**IOIN-CR-8084-2017 in
CR-8084-2017****SHIROMANI GURDWARA PARBANDHAK COMMITTEE,
AMRITSAR. VS EX. MILITARY MAZHABI SIKH ASSOCIATION
& ORS**

Present: None

CR No.8084 of 2017 was decided by the Co-ordinate Bench vide order dated 23.3.2018. Directions were issued to the trial Court to decide the application filed by the decree-holder for staying the construction on the property within two weeks from the date of receipt of certified copy of the said order. Trial Court was also directed that if in the meanwhile any construction is raised on the land in question, the same shall be liable to be removed. The executing Court was directed to dispose of the case at the earliest preferably within six months.

Thereafter, request was received from the executing Court for extension of time for disposal of the application and the same was granted by this Court on 29.8.2018, thereby extending the time for a period of two months from the date of receipt of certified copy of that order. Order dated 6.10.2018 was passed by this Court requiring fresh status of the case from the trial Court because the order dated 29.8.2018 passed by this Court was not received by the Executing Court on the date of making of request for extension of time.

As per fresh status furnished by the Executing Court, the Civil Judge (Sr.Divn.), Amritsar has reported in the following manner:-

“It is humbly submitted that vide order dated 17.5.2018 it was clarified that in compliance of the order of Hon'ble High court, the parties were directed to lead their secondary evidence and also directed to argue on the application for staying the construction on the property. However, counsel for JDs stated at bar that the JDs are not raising any construction on the property. The court further directed the D.H to argue on the said application as well as for leading secondary evidence. Despite granting various opportunities, the D.H has failed to produce any evidence by way of secondary evidence rather moved applications one after another. The D.H moved an application for directing the Jds to produce the Notification. After that, D.H moved application for appointment of Local Commissioner. Ultimately, there were four applications moved by the D.H which have been disposed off vide order of even date i.e 26.11.2018 and now D.H has been directed to produce the site plan of the disputed property which

was attached with the plaint as the only dispute between the parties is on the point of identity of the property and the contention of JDs is that the site plan produced at the time of execution is not originally attached with the plaint.

Status report is hereby submitted accordingly.”

In view of aforesaid, no further order is required to be passed.

11.01.2019
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**(RAJ MOHAN SINGH)
JUDGE**