

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CR No.22 of 2019 (O&M)
Date of decision: 09.01.2019

Israil

..... Petitioner

Versus

Asgar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. A.K. Jindal, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

By impugned order, execution petition filed under Order 21 Rule 32, CPC claiming violation of an injunction decree dated 27.03.2008 has been dismissed. The Court has noticed that the decree-holder had filed first execution petition which remain pending for quite sometime and thereafter on statement of the respondents on 15.10.2015 to that effect that they are not in possession of any part of the property in dispute, the execution petition was withdrawn. After two months i.e. 15.12.2015, a fresh execution petition was filed claiming that the defendants have encroached upon certain area in violation of the decree and have constructed a hut, fodder cutter machine and constructed a wall. Learned Executing Court by an elaborate order dismissed the execution petition after recording a finding that the decree-holder has failed to establish any act which may amount to violation of the decree dated 27.03.2008. The Court has further noticed that after the first execution petition was withdrawn, the decree-holder filed a fresh execution petition by alleging that 15 days ago, the judgment-debtors

have constructed a hut installed fodder cutter machine and constructed boundary wall. However, no cogent evidence in support thereof was produced. In such circumstances, this Court does not find any good ground to interfere in exercise of revisional jurisdiction.

Revision petition is dismissed.

09.01.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No