

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

CWP-24992-2021 (O&M)

Date of decision: 09.12.2021

Dhilpreet Singh Gill and another

...Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Bains, Sr. Advocate with
Ms. Aarushi Garg, Advocate for the petitioners
Mr. Nikhil Chopra, Addl.AG, Punjab

ANIL KSHETARPAL, J (Oral)

Previously, petitioner no.1 filed a civil suit for grant of decree of permanent injunction restraining the Municipal Corporation, Ludhiana, and its officials from demolishing the construction. The civil suit was dismissed on 27.07.2011, however, the First Appellate Court while reversing the judgment and decree has ordered as under:-

“14. As a result of discussion made above, the appeal is allowed and the suit of the plaintiffs is decreed and the defendants are permanently restrained from interfering in the peaceful possession of the plaintiffs over the suit property fully detailed in the head note of the plaint. Decree sheet be drawn. Lower court record be returned by placing copy of this judgment and file be consigned to the record room.”

Petitioner no.1 alongwith his wife has filed the present writ petition complaining that the officials of the Corporation have demolished certain parts of the building.

In the considered view of this Bench, the petitioner has an equally efficacious remedy under Order 21 Rule 32 Code of Civil Procedure, 1908. The violation of a decree of civil court can be

executed by filing an execution petition.

Learned counsel representing the petitioner contends that the execution petition is going to take a long time.

In the considered opinion by this Court, in a case where the petitioners have an equally efficacious remedy, it would be more appropriate for the petitioners to avail that remedy. However, if the execution petition is filed, it is expected that the Presiding Judge of the court will make sincere endeavours for the expeditious disposal thereof.

Needless to observe that this Court has not expressed any opinion on the merits of the case.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

09.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE