

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.218

CR No.2741 of 2017

Date of Decision: 29.11.2022

Kishan Chand @ Siri Chand

.... Petitioner

Versus

Anand Sarup

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Shilak Ram Hooda, Advocate
for the petitioner.

Mr. Arun Kumar Singhal, Advocate
for the respondent.

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition has been filed against the order dated 19.12.2016 passed by the Executing Court whereby the petitioner/decreed holder's application (Annexure P-7) moved under Order XXI Rule 32 of CPC for enforcement of the decree dated 10.12.2001 (Annexure P-1) has been dismissed, and also the order dated 23.08.2011 (Annexure P-5) vide which the earlier execution application was dismissed as withdrawn on the statements of both the parties recorded therein.

2. Learned counsel for the petitioner/decreed holder contends that the statement given by the respondent/judgment debtor before the Executing Court on 23.08.2011 has been violated and some construction on the suit property in the form of tin shed and kitchen has been made, which is in violation of his statement. The Executing Court has dismissed the application by recording that the decreed holder has not been able to establish

on record any such construction or encroachment, or that any violation of the statement dated 23.08.2011 has been done by the respondent/judgment debtor. Nor has any site plan regarding the alleged construction of shed been placed on record. There was no other material before the Executing Court by which it could have been established that the statement dated 23.08.2011 had been violated by the respondent/judgment debtor in any manner. Even today, learned counsel for the petitioner/decreed holder is not in a position to point out any material before the Executing Court that could establish the violation alleged against the respondent/judgment debtor.

3. In view of the aforesaid, where there is no material on record to establish the alleged violation by judgment debtor, no exception can be taken to the impugned order passed by the Executing Court dismissing the application in question.

4. Petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

29.11.2022

Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No