

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

108

CR-4307-2017

Date of decision: 16.11.2022

MUKHTIAR SINGH

..Petitioner

Versus

KASHMIR SINGH AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Anand, Advocate
for the petitioner.

Mr. A.S. Khinda, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

Complaining wilful disobedience of a decree of permanent injunction passed on 17.11.2004, the petitioner filed an application under Order XXI Rule 32 of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'CPC'). He did not disclose the date, time or period of the alleged wilful violation of the injunction decree. It is alleged by the petitioner that the respondent has laid thatched roof on a small area. The trial Court while dismissing the application has concluded that the petitioner has failed to fulfil the parameters of Order XXI Rule 32 CPC. The allegations made by the petitioner were found to be vague and omnibus.

Challenging its correctness, the present revision petition has been filed.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

The learned counsel representing the petitioner admits that the petitioner has failed to disclose date, time and period of the alleged wilful violation which is a *sine qua non* for taking any action under Order XXI

Rule 32 CPC. As per Order XXI Rule 32 CPC, the Court can not only order restoration of possession but also attach the judgment debtor's property and order his civil imprisonment.

Hence, the applicability of Order XXI Rule 32 CPC are required to be strictly construed.

Dismissed.

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

November 16th, 2022

Ay

(ANIL KSHETARPAL)
JUDGE

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