

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 5259 of 2018 (O&M)

Date of Decision: 28.09.2022

Bal Kishan

... Petitioner(s)

Versus

Laxmi Chand and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Raghav Sharma, Advocate
for the petitioner(s).

Mr. Rajinder Singh Rana, Advocate
for the respondents.

Anil Kshetarpal, J.

1. The Executing Court has dismissed the application filed by the petitioner under Order XXI Rule 32 of the Code of Civil Procedure, 1908, vide order dated 28.05.2018 after noticing that the parties are co-sharers and there was an old well which was lying unused since a long time. Some animal had also fallen into it. Hence, the well was closed by filling in the earth in order to rescue the animal.

2. The petitioner claims that the defendants are guilty of willfully disobeying the decree passed in his favour which is only for grant of an injunction. Admittedly, the parties are co-sharers in the joint khata. The partition proceedings are pending. There was an emergent situation which necessitated the filling up of the old unused well as an animal had fallen therein and its life was required to be saved.

the judgment debtors have neither produced any evidence to prove that the Deputy Commissioner had directed the filling up of the old well nor any local proclamation was conducted.

4. Admittedly, even as per the case of the petitioner, the well was defunct. There was an apprehension that someone may suffer injuries as it was lying open.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

September 28, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No