

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

CR-8549-2015 (O&M)

Date of decision: 02.09.2022

Haryana Urban Development Authority and another

....Petitioners

Versus

Smt. Saroj

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Garg, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

The judgment debtor has filed the present revision petition against the order passed by the Executing Court while attaching its property.

Admittedly, on 21.12.2012 the District Judge, Karnal, passed a decree in Civil Appeal No.128 of 2010. The operative part thereof reads as under:-

“It is ordered that the appeal is accepted and the judgment and decree dated 16.08.2010 are set aside and suit of the plaintiff is decreed to the effect that she is entitled to allot a plot measuring 500 sq. yards as co-sharer jointly with all other co-owners of the land measuring 8 Bighas 3 Biswas fully detailed in para No.2 of the plaint as and when HUDA floats the plots and invites claim of the oustees of the aforesaid acquired land. The costs of the original suit are to be paid as directed by the trial court.”

From the reading of the aforesaid decree, it is evident that the decree-holder was held entitled to the allotment of the plot measuring 500 square yards as a co-sharer alongwith the other co-owners of land measuring 8 bighas 3 biswas as a displaced person. On account of

failure of the judgment debtor to implement the decree, the execution petition was filed. Learned counsel representing the petitioners submits that the decree-holder never applied for the allotment of plot, after the decree was passed.

Once the court has passed a decree to the effect that she is entitled to the plot alongwith the other co-owners then the approach of the judgment debtor is myopic to say the least. The decree passed by the court, which has become final, is required to be implemented.

Hence, no ground to interfere is made out.

Dismissed.

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

02.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE