

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

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CR-8545 of 2017 (O&M)
Date of decision: 30.08.2022

Babru Bahan Singh

..Petitioner

Versus

Charanjit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S.Salar, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a decree-holder. His suit to restrain the defendant (respondent herein) to install a gate at point 'AB', blocking the street and from stopping the flow of drainage through the street was decreed on 19.07.2013. Thereafter, the parties entered into a settlement on 04.04.2014 in the presence of the Sarpanch and the Lambardar (Headman of the village). Consequently, the first appeal filed against the judgment and decree was withdrawn. Subsequently, the petitioner filed an application under Order XXI Rule 32 CPC which has been dismissed by the Court.

The present revision petition has been filed assailing its correctness. Once there was a supervening event wherein settlement was arrived at between the parties with the intervention of the respectables of the village, the trial court has correctly refused to exercise powers under Order XXI Rule 32 CPC.

The learned counsel representing the petitioner contends that the decree dated 19.07.2013 shall continue to operate and the court is required to get it implemented.

It may be noted here that the decree is only for grant of an injunction. The Executing Court has held that there is a subsequent

settlement between the parties with the intervention of the respectables of the village. In such circumstances, the petitioner, if so advised, may file a fresh suit.

Disposed of accordingly.

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

August 30, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>