

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

CR-2543-2019 (O&M)

Date of decision: 02.08.2022

Vikas

...Petitioner

Versus

Mahender Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nipun Vashist, Advocate for the petitioner

Mr. S.K.Yadav, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The petitioner herein is judgment debtor no.3. There is a decree for permanent injunction as well as mandatory injunction against the petitioner. In execution thereof, Additional Civil Judge, Senior Division, Kosli, ordered attachment of his property. The petitioner assails its correctness.

On 22.04.2019, learned counsel representing the petitioner made the following statement:-

“Submits inter alia that the impugned order was passed by the Ld. Executing Court on the very first date on which the Petitioner/Judgment Debtor had appeared in Court, without giving him any opportunity of hearing.

Submits further that the Petitioner/Judgment Debtor undertakes to strictly comply with the Judgment and Decree passed against him by way of restoration of the disputed boundary wall within a month, if granted an opportunity.

Notice of motion for 28th May, 2019.

Operation of the impugned order shall remain stayed, in the meantime.”

He submits that the judgment and decree passed on

30.10.2015 has already been complied with by the petitioner and the decree holder has withdrawn the execution petition.

On the other hand, learned counsel representing the respondent (decree holder) disputes this fact and submits that the trial court while disposing of the revision petition had granted him liberty to file fresh execution petition.

Keeping in view the aforesaid facts, the revision petition is disposed of. The decree holder, if so advised, may file an execution petition or an application for revival of the earlier execution petition if the decree has not been complied with.

Disposed of.

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

02.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE