

115 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4482-2022 (O&M)
Decided on:-17.11.2022

Kuldeep Kumar Sharma

....Petitioner

vs.

Randeep Rana

....Respondent.

CORAM:HON'BLE MR. JUSTICE HARKESH MANUJA

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

HARKESH MANUJA J. (Oral)

The present petition has been filed, challenging an order dated 20.09.2022 passed by the Executing Court, whereby objections, filed at the instance of petitioner/JD to the report submitted by the Local Commissioner in execution proceedings, have been dismissed.

Considering the nature of the dispute, which revolves around the area of property in question, learned counsel for the petitioner submits that the Executing Court has committed an error while passing the impugned order.

On the other hand, Sh. Ashish Aggarwal, Sr. Advocate assisted by Mr. Vishal Pundir, Advocate and Ms. Nidhi Gakkhar, Advocate, who has put in appearance on behalf of the respondent submits that the demarcation of land in question already stands carried out.

I have heard learned counsel for the parties and gone through the paper book.

Considering the nature of controversy involved, learned counsel for both the parties submit that they shall have no objection, in case, a fresh demarcation of the decretal property is ordered to be carried out in a time bound manner.

Accordingly, the Naib Tehsildar, Karnal is requested to carry out a fresh demarcation of the site in question, which is situated in Khasra Nos.9705-4096 at Kasba Karnal with the assistance of revenue officials and the relevant revenue record. It shall also be appreciated, in case, the Naib Tehsildar Karnal seeks assistance of any serving Junior Engineer (Civil) for the aforesaid purpose.

Considering the fact that the decree in favour of respondent is dated 14.03.2017, I deem it appropriate to direct that the entire aforementioned exercise be carried out within a period of four weeks from today and a report within a week thereafter be submitted before the learned Executing Court.

Keeping in view the fact that the previous report made by the Local Commissioner was challenged primarily on the ground that the petitioner herein was never put to adequate notice by the Local Commissioner before visiting the spot, the parties are hereby put to notice and directed to remain present at the spot on 07.12.2022 at 11:00 a.m., for the purpose of Local Commissioner to visit the site and to carry out demarcation. It may be noted here that the date i.e. 07.12.2022 has been fixed in concurrence with the Naib Tehsildar, Karnal with the able assistance and help of Sh. Gaurav Jindal, Additional Advocate General, Haryana, who has coordinated the same telephonically with the concerned Naib Tehsildar, namely, Sh. Ram Kumar.

For the purpose of effective implementation of the aforesaid order, let a copy of the same be also supplied to Sh. Gaurav Jindal, Additional Advocate General, Haryana for its onward transmission to the officials concerned, so that the needful is done in the aforesaid manner.

Accordingly, the present petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

17.11.2022
sonika

(HARKESH MANUJA)
JUDGE

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