



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

Sr. No. 141

CR-1011-2024

Date of Decision: 15.07.2024

GULZARA RAM

...PETITIONER

Versus

BARU RAM @ SAT PAL AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

ANIL KSHETARPAL, J.(ORAL)

This revision petition has been filed by the decree holder to assail the correctness of trial Court's order dated 23.11.2023 while dismissing his application under Order 21 Rule 32 CPC for implementation of decree passed for injunction.

The petitioner's claim is that the judgment and decree dated 17.07.2006 has been willfully disobeyed by the respondents. It has also come on record that the petitioner filed a civil suit against Surjit Kaur, which was dismissed on 11.10.2006.

As per the report of local commission, Surjit Kaur is in possession of some part of the judgment debtors property. Moreover, the petitioner failed to prove that there was any willful disobedience of judgment and decree passed in favour of the petitioner. It is the case of the judgment debtor that much before the filing of the suit they had opened their door and two windows in their own property, which is in un-authorized possession of Surjit Kaur. It has also been held that the appellant has failed to prove willful violation of the injunction order by the judgment debtor

Thus, the Court has dismissed the application under Order 21 Rule 32 CPC.



Heard learned counsel representing the petitioner at length and have perused the paperbook.

Learned counsel representing the petitioner contends that the judgment and decree dated 17.07.2006 became final. Hence, the Court was required to get it enforced.

This court has considered the submission.

Order 21 Rule 32 of the CPC requires the decree holder to prove that the judgment debtor has willfully disobeyed the injunction decree. This is *sine qua non* before any direction under Order 21 Rule 32 CPC is passed. In the facts of this case, the Executing Court upon appreciation of evidence led by the parties found that such finding cannot be recorded.

In view of the aforesaid, no ground to interfere in the impugned order is made out.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

15.07.2024
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No