

142. 2024:PHHC:039816
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.826 of 2024 (O&M)
Date of decision: 18.03.2024

Rishi Karan Kakar Petitioner
Versus

Dr. (Mrs.) Promila Kakar and others Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mrs. Ritam Aggarwal, Advocate, for the petitioner.

GURBIR SINGH, J.

1. Present revision petition has been filed under Article 227 of the Constitution of India for issuance of appropriate direction to the learned Executing Court in Execution Application No.477 of 2015 titled as *Rishi Karan Kakar Versus Promila Kakar and others*, to pass appropriate orders.
2. A report dated 15.03.2024 from the learned District & Sessions Judge, Chandigarh has been received in compliance of order dated 23.11.2020 passed in Civil Revision No.3457 of 2019 by this Court. Said revision petition was disposed of with the following directions:

- “(i) The Executing Court in view of the stand taken by both the parties before this Court would give two opportunities each to both the parties to make their submissions on their interpretation of compromise deed in writing. Both the parties are free to support their submissions by any document.
- (ii) The Executing Court may appoint an expert (the expenses of which shall be borne by both the parties), preferably a technical expert including an architect, who may be given copies of respective submissions made by the parties regarding the compromise deed, a copy of the compromise deed and the original plans. The trial court may further issue such

appropriate directions as it deems fit in addition to the above directions.

(iii) Both counsel are also agreeable that one effort shall be made by both the parties to mediate and sit across the table to settle the dispute. Needless to mention that if this happens, the said decision so mutually taken can be brought to the notice to the Executing Court for further orders.

(iv) The decision based on the above and dehors the earlier order passed by the Executing Court or the Appellate Court, the Executing Court shall decide the matter afresh after granting both the sides two opportunities each to make their submissions after the receipt of the report of the expert.

(v) Till the aforesaid decision is taken, the status quo as on today and as directed by this Court dated 23.05.2019 shall continue. Let needful be done as expeditiously as possible, however, the Executing Court is directed to decide the whole issue preferably within six months.”

As per the report received, Sub Divisional Officer (Building), Central, Estate Office, U.T., Chandigarh was appointed as Local Commissioner, who submitted a detailed report regarding the actual floor wise distribution of the area of the house No.198, Sector 16-A, Chandigarh with a specific report regarding mezzanine floor which is the main bone of contention between the parties. Two Architects have further been appointed to assist said Sub Divisional Officer (Buildings and the case has been fixed for awaiting report of SDO (Buildings).

3. Learned counsel for the petitioner submits that the petitioner would be satisfied if the learned Executing Court pass orders in compliance of order dated 23.11.2020 passed in Civil Revision No.3457 of 2019 in a time bound manner.

4. Without discussing the merits of the case, present revision petition is disposed of with a direction to the learned Executing Court to comply with the directions as passed in Civil Revision No.3457 of 2019

vide order dated 23.11.2020, within a period of six weeks on receipt of certified copy of this order. The SDO (Building) shall file the report in the Executing Court within two weeks positively.

5. Pending application, if any, shall also stand disposed of.

(GURBIR SINGH)
JUDGE

March 18, 2024
sanjeev

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