

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

112

CWP-6077-2024

Date of decision: 03.04.2024

TARA SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G. Punjab
for respondents No. 1, 3, 6, 7, 8, 9 and 10.

Mr. Ramesh Sharma, Advocate
for respondents No.4 and 5.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present writ petition is for seeking issuance of directions to respondent No.2-Additional Civil Judge (Senior Division), Ferozepur for deciding the pending application under Order 21 Rule 32 CPC in a time bound manner.

Learned counsel appearing on behalf of the petitioner contends that the decree had been passed in favour of the applicant-petitioner by the Additional Civil Judge (Senior Division) in Civil Suit No. 212-1 of 20.08.1998 on 19.05.1999 whereby the defendants therein were restrained from obstructing the passage granted to the petitioner. He contends that alleging disobedience of the decree, an application under Order 21 Rule 32 CPC had been moved by the petitioner and that the said application is pending with the Executing Court since January, 2023. He submits that all the parties have already entered appearance

and the matter is being unnecessarily adjourned by giving an undue leeway to the respondents therein. He submits that no prejudice or harm is likely to be caused to the respondents in the event of the issuance of a direction to the Executing Court/the Civil Court where the matter is pending in issuing a direction for timely disposal thereof.

Notice of motion.

Mr. Vipin Pal Yadav, Addl. A.G. Punjab accepts notice on behalf of respondents No.1, 3, 6, 7, 8, 9 and 10 and has no objection to the matter being disposed of with a direction to the respondent-authorities to decide the pending application in a reasonable time and after affording due opportunity of hearing to the respective parties.

Mr. Ramesh Sharma, Advocate appears on behalf of respondents No.4 and 5.

With the consent of the parties and without going into the merits of the present case, the present writ petition is disposed of with a direction to the Executing Court-Additional Civil Judge (Senior Division), Ferozepur seized of CM-12/23 dated 10.01.2023 for taking an expeditious decision on the pending application under Order 21 Rule 32 in a time bound manner and within a period of 06 months from the date next fixed before the said Court after granting an opportunity of hearing to the respective parties.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 03, 2024

Vishal sharma

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