

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

135

2024:PHHC:049967

CR-2392-2023

Date of decision: 15.04.2024

JOGINDER SINGH

..Petitioner

Versus

LILA DEVI @ LEELA DEVI & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dinesh Nagar, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The petitioner assails the correctness of Executing Court's order dated 10.02.2023. The petitioner's execution petition filed under Order XXI Rule 32 of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'CPC') on the ground that respondent No.2 is not party to the suit and the petitioner has failed to disclose the date on which he was dispossessed in infringement of the decree.

2. This Bench has heard the learned counsel representing the petitioner at length and with their able assistance perused the paperbook.

3. The learned counsel representing the petitioner submits that there is a decree in favour of the petitioner, which has been violated, hence, the Executing Court erred in dismissing the execution petition.

4. On a Court question, the learned counsel representing the petitioner states that the petitioner was one of the co-sharer along with the defendants. In fact, the petitioner's father had filed a suit for decree of permanent injunction restraining the defendants from interfering in his exclusive possession. The suit was decreed on 17.01.2015. The nature of Order XXI Rule 32 of the CPC is *quasi* criminal. If the judgment debtors are

found to have intentionally violated the decree, they can be sent to civil imprisonment. In this case, the petitioner was required to prove as to when he was dispossessed, however, he has failed to establish the same.

- 5. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 6. Dismissed accordingly.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

April 15th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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