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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4261-2024

Date of decision: 11.11.2024

Neetu Dahiya

...Petitioner

Versus

Rajinder Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sourabh Goel, Advocate for the petitioner.

Mr. Munish Gupta, Advocate and
Mr. Anil Saini, Advocate for respondent Nos.1 to 9.

Mr. Jagdish Manchanda, Addl. A.G. Haryana
for respondent Nos.10 to 13.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for issuance of directions to the Executing Court to expedite the execution proceedings in execution application which is stated to be pending for the last seven years.

2. On 02.09.2024, this Court had passed the following order:-

“Inter alia, contends that the predecessor-in-interest of the petitioner had filed four civil suits for permanent injunction and all the said four civil suits were decreed in the year 2005 and the appeals filed against the same had been dismissed and even the regular second appeals filed against the said judgments and decrees have also been dismissed in the year 2007. It is submitted that since the respondents were violating the said decrees, thus, an application under Order 21 Rule 32 of CPC was filed by the petitioner in the year 2017 and the same is pending till date. It is prayed that the said application under



Order 21 Rule 32 of CPC be decided expeditiously in a time bound manner.

Notice of motion for 25.09.2024.

At this stage, Mr. Jagdish Manchanda, Additional Advocate General, Haryana, appears and accepts notice on behalf of respondents No.10 to 13 and prays for an adjournment to get instructions in the matter.

Liberty is granted to the petitioner to serve respondents No.1 to 9 through dasti process as well.

To be taken up in the urgent list.”

3. All the respondents have appeared through their counsel.
4. Learned counsel for the petitioner has pointed out that in the present case, a perusal of the zimni order (Annexure P-29) would show that on 02.08.2023 for the purpose of execution of the decree, fresh warrants of possession was issued for 16.08.2023 and the case was fixed for awaiting the report of the bailiff and compliance report by the SHO, Police Station Loharu. It is submitted that thereafter, repeated orders had been passed and on 27.02.2024, the Executing Court was pleased to pass the following order:-

“Present:- Sh. S.K. Sharma. Ld. counsel for DH.

Ld. GP for third party objectors.

J.D No.6 already given up.

Sh. Monu, Reader on behalf of Tehsildar, Bhiwani (authority letter filed on 13.12.2023).

Applicants/objectors Head Master, Govt. Model Primary School, Loharu and B.R.C. Loharu in person.

DEEO, Bhiwani in person.

Today the case was fixed for awaiting compliance report. Previous costs of Rs.5,000/- not paid. Warrants of possession received back unexecuted due to the fact that the police force is



busy in law & order duty in "Kisan Andolan". Let, fresh warrants of possession be issued accordingly. Ahlmad to issue warrants of possession accordingly. Now, to come upon 12.03.2024 for awaiting compliance report. Cost of Rs.5000/- be also deposited with SDLC, Loharu on or before the date fixed. It is made clear that in case the warrants of possession are not received back executed then SHO P.S Loharu, DEEO Bhiwani, and Tehsildar Bhiwani shall appear in person before the Court for explanation in this regard. Copy of this order be sent to SHO P.S. Loharu, DEEO Bhiwani and Tehsildar Bhiwani for information and necessary compliance. Copy of this order be also sent to the Superintendent of Police, Bhiwani for providing necessary police force for the purpose of execution of warrants of possession after receiving report from SHO P.S. Loharu. Compliance report by the Superintendent of Police, Bhiwani shall also be filed on the next date of hearing. Copy of this order be sent to all the concerned for information and necessary compliance.

Date: 27.02.2024

(Jitender Singh)

Addl. Civil Judge (Sr. Divn.)

Loharu/UID No. HR0333”

5. It is submitted by learned counsel for the petitioner that instead of executing the decree and complying with the abovesaid order, the matter had thereafter been adjourned repeatedly solely on the ground that it had been stated, that against the order dated 06.02.2024 rejecting third party objections, an appeal has been filed, although there is no stay of proceedings in the said appeal. It is submitted that the Executing Court had adjourned the matter on 12.03.2024, 19.03.2024, 16.04.2024 as well as 15.05.2024 for awaiting the orders from the First Appellate Court where an appeal against the order dated 06.02.2024 has been filed in spite of the fact that there is no

stay granted by the First Appellate Court and that the respondents are making every endeavour to delay the proceedings.

6. Learned counsel for the respondents could not dispute the fact that neither there is any stay operating against the decree nor there is any stay in favour of the objectors in the appeal filed by them.

7. Keeping in view the abovesaid facts and circumstances, this Court finds that there is no justifiable reason to adjourn the execution proceedings in the absence of there being any stay on the execution of the judgment and decree or in the appeal filed by the third party objectors whose objections have been dismissed vide order dated 06.02.2024. Accordingly, the Executing Court is directed to decide the execution application No.47 of 2017 dated 13.12.2017 (Annexure P-15) as expeditiously as possible, preferably within a period of three months from the date of receipt of the present order.

8. SP, Bhiwani is also directed to comply with all the orders passed by the Executing Court including the order with respect to any warrants of possession of the property in question issued by the Executing Court.

9. In view of what has been observed above, the present revision petition is disposed of.

11.11.2024
Pawan

(VIKAS BAHL)
JUDGE

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