

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4893 of 2018 (O&M)
Date of Order:15.04.2024

Saini Bhawan (dharamshala)

.Petitioner

Versus

Lal Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S.Hooda, Advocate
for the petitioner.

Mr. Amit Jain, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. The petitioner herein is the Judgment Debtor. The respondent filed a suit for mandatory injunction with consequential relief of permanent injunction directing the petitioner-Saini Bhawan (Dharamshala) through its President for issuing directions to allot him one shop. The President of the Saini Sabha, appeared and stated that the plaintiff has already deposited Rs.10,000/- and when the construction is completed by Saini Sabha, the plaintiff will be allotted a shop on priority basis. The operative part of the judgment passed by the trial Court on 26.02.2013, reads as under:-

“In view of the statement, the suit of the plaintiff is decreed. The defendant shall remain bound by this statement. A decree of mandatory injunction is passed in favour of the plaintiff directing the defendant to allot a shop of the Dharamshala on priority basis on the basis of receipt no.128, dated 21.06.2006. Decree sheet be drawn accordingly. File be consigned to record room after due compliance.”

2. The plaintiff filed execution petition. The petitioner filed

objection petition, which has been dismissed by the trial court.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

4. From perusal of the paper book, it is evident that the decree passed by the trial court on 26.02.2013, is vague. It has not been specified what would be the terms of allotment, whether it will be allotted on lease or licence, what would be the lease amount, the period for which the lease is to be created is also not given.

5. The shop is required to be constructed by Saini Sabha, which is an Association or Society representing a particular community. Even Saini Sabha is not a party. The Executing Court has not adverted to these facts.

6. Keeping in view the aforesaid facts and discussion, the impugned order is set aside while requesting the Executing Court to pass a fresh order after examining that whether the decree passed can be implemented or not?

7. With these observations, the revision petition is disposed of.

8. All the pending miscellaneous applications, if any, are also disposed of.

April 15, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO