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

CR-3604-2016(O&M)

Date of decision:21.05.2025

Karmi through GPA Pritam Singh

..Petitioner

Versus

Municipal Corporation Ludhiana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner

Mr. H.S.Gharuan, Advocate for respondent no.1

ANIL KSHETARPAL, J. (Oral)

1. The petitioner assails the correctness of an order passed by the Executing Court while dismissing her execution petition filed under Order XXI Rule 32 of the Code of Civil Procedure, 1908. A decree for the grant of permanent injunction restraining the defendants from interfering in peaceful possession of the plaintiff except in due course of law was granted. Originally, the suit was filed by Smt. Karmi, who subsequently sold the property during the pendency of the suit vide two sale deeds dated 12.03.1998 and 16.03.1998. Radhey Shyam Ahuja claims to be purchaser of the property in the year 1998. While appearing in evidence, he admits that when he purchased the property, his vendor Smt. Karmi was not in possession and the street was already in existence. Hence, the court has held that the petitioner has failed to prove that there was any wilful violation of court decree.



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2. Learned counsel representing the petitioner submits that such admission of Radhey Shyam Ahuja does not prove that there was carpeting in the street.
3. This Court has considered the submissions made by the learned counsel representing the parties.
4. The decree-holder is required to prove that there is wilful and intentional disobedience of injunction decree in order to succeed in an application under Order XXI Rule 32 of the Code of Civil Procedure, 1908. Once the decree-holder has failed to substantiate the same, there is no error in the impugned order.
5. Hence, dismissed.
6. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)
JUDGE**

21.05.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No