

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

COCP No. 1303 of 2013

Date of Decision: August 14, 2013

Om Parkash

.....Petitioner

Vs.

Rajinder Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

..-

Present:- Mr.C.B. Goel, Advocate
for the petitioner.

Mr. Sumit Gupta, Advocate

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M.M.S. BEDI, J. (ORAL)

The petitioner is a decree holder. The respondent is his real brother and a judgment debtor in a decree for possession. Though the judgment debtor / respondent had made a statement on October 10, 2012 that he will hand over the vacant possession to the decree holder within a period of three months, he has allegedly permitted his nephews to enter the premises and has also not himself vacated the premises.

Today, respondent Rajinder Kumar himself is present in the Court. His counsel has made a statement at bar that neither the judgment debtor Rajinder Kumar is in actual physical possession nor he has filed any objections.

In view of the above said circumstances, it appears that in the present case there should be no hesitation for the Executing Court to pass an order under Order 21 Rule 98 (1) (a) CPC to make an order to allow the execution application and direct the petitioner to be put in the possession of the property and ensure that the decree is executed.

This contempt petition is disposed of with the abovesaid observations. The statement made by the respondent before this Court and the order passed hereinabove will be binding on the parties before this Court in contempt petition.

August 14, 2013
sanjay

(M.M.S.BEDI)
JUDGE