

**CMPMO No. 440 of 2020**

01.12.2020

Present: Mr. Bimal Gupta, Sr. Advocate with Mr. Satish Sharma and Mr. Vikrant Thakur, Advocates for the petitioners.

**(Through video conferencing)**

**CMPMO No. 440 of 2020**

Notice returnable on 24.02.2021 be issued to respondents, on taking steps within two days.

**CMP No. 12736 of 2020**

Notice in the aforesaid terms.

At this stage, learned arguing counsel for the petitioner, under instructions submits that day before yesterday a call has been received by the petitioners from the office of Tehsildar Sadar that they would be reconstructing the path from Monday in execution of judgment and decree. Learned counsel further submits that judgment and decree passed against the petitioner, which has attained finality, there is direction to remove the heap of soil and big step and site plan Ext.P-A has also been made part of decree sheet. He further submits that as evident from the reports of executing agency, placed on record with the petition, that no heap of soil is existing on the spot as of now and the report of Local Commissioner, appointed by this Court on the directions of previous round of litigation is also, endorsing the said fact. He further submits that either from the decree or from the sketch Ext.P-A, which has made part of decree, it is not evident that which big step has been ordered to be removed by the trial Court and, therefore, in absence

of identification of the object i.e. big step, re-construction of entire path would amount to travel beyond the decree.

Considering the submissions made on behalf of the petitioners, prima-facie case is made out for passing ad-interim order. Therefore, further proceedings in Execution Petition No. 22/10 of 2013 are stayed till next date of hearing and status quo qua path existing on the spot is also directed to be maintained.

Dasti copy.

**(Vivek Singh Thakur)**  
**Judge**

December 01, 2020  
(naveen)