NON REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4146 OF 2009
(Arising out of SLP©No.8730 of 2009)

Inderjeet ...Appellant

VERSUS

Kulbhushan Jain . ..Respondent

J U D G M E N T

TARUN CHATTERJEE, J.

1. Leave granted.

2. This appeal is directed against an interim mandatory order passed by the High Court of Punjab and Haryana at Chandigarh in CM Nos.6086-87 of 2009 and C.R.No.956 of 2009 by which the appellant was directed to put the judgment-debtor/respondent in possession of the property and the matter was directed to be placed for compliance on a particular date mentioned in the order.

3. Feeling aggrieved, the appellant filed this special leave petition, which, on grant of leave, was heard by us in the presence of the learned counsel appearing on behalf of the parties.

4. Having heard the learned counsel for the parties and after going through the impugned order and other materials on record, we are unable to sustain a part of the order passed by the High Court, which is impugned before us. It appears from the record that civil revision case being C.R.No.956/2009 has been admitted by the High Court on 24th of February, 2009. The appellant had filed caveat in the High Court and at the time of admission, the learned counsel for the appellant submitted that the appellant being decree holder had already taken possession of the property through Court. Learned Judge by the impugned interim order directed that the appellant shall put the judgment-debtor/respondent in possession of the property. Since the decree holder /appellant has taken

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possession of the property in question in execution of the decree at this stage, question of redelivering possession to the Judgment debtor cannot arise at all. This can be done only when a final order is passed by the High Court in the pending revision petition.

5. That being the position, the impugned order to the extent that the decree holder shall put the judgment-debtor in possession of the property in question is set aside. However, considering the facts and circumstances of the present case, we direct that the appellant shall not part with or alienate or induct in the property in question till the disposal of the civil revision case now pending before the High Court for final disposal. We also request the High Court to finally dispose of the civil revision case at an early date preferably within six months from the date of supply of a copy of this order to it without granting any unnecessary adjournments to either of the parties. The impugned order is set aside. The appeal is

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allowed to the extent indicated above. There will be no order as to costs.

.....J.
[Tarun Chatterjee]

New Delhi
July 07, 2009.

.....J.
[H.L.Dattu]

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