

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

C.R.No. 6107 of 2005

Date of decision : 31.10.2006

State of Haryana & Anr.

.....Petitioners.

Versus

Prem Chand, Const. No. 932/Ambala.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Jitendra Chauhan, Addl. A.G., Haryana
for the petitioner.

Mr. S.P. Singh, Advocate
for the respondent.

VINOD K. SHARMA,J.(ORAL)

By way of judgment and decree passed by the Civil Court on 29.1.2000 the order passed by the revisional authority on 23.5.1998 awarding punishment of stoppage of three increments with cumulative effect was set aside.

The appeal was filed by the State. The appellate Court while maintaining the decree granted liberty to the State of Haryana to pass a fresh order. In pursuance to the permission so granted an order was passed on 24.1.2001. The plaintiff decree-holder thereafter filed an execution application for execution of the judgment and decree dated 29.1.2000 in which objection was taken by the State that in view of the subsequent order passed, the decree could not be executed as the order dated 24.1.2001 was to operate retrospectively.

The learned trial Court dismissed the objections. The contention of the learned counsel for the petitioner was that in view of passing of fresh order no execution was maintainable. This contention is devoid of merit as the order dated 24.1.2001 is to operative prospectively and not retrospectively as the learned appellate Court had upheld with modification the decree passed by the trial Court and permitted the State to file a fresh one.

Therefore, there is no error in the impugned order which may call for interference by this Court.

Dismissed.

October 31,2006
'sp'

(VINOD K. SHARMA)
JUDGE