

Chapter 12
PART Q—RESISTANCE TO EXECUTION

1. **Resistance by judgment-debtor or by some person on his behalf or at his instigation:-** If the holder of a decree for the possession of immoveable property, or the purchaser of any such property sold in execution of a decree, is resisted or obstructed by any person, and the decree holder complains of such resistance or obstructions, Order XXI, Rules 97 to 99, prescribe the procedure to be followed.

According to Order XXI, Rule 98, Civil Procedure Code, as amended by the Punjab High Court, a Court can now take action not only when the obstruction was occasioned by the judgment-debtor himself or by some person at his instigation but also when it was caused by any one "on his behalf". It has also been provided that the detention ordered in this rule shall be at public expense. The provision as to the limitation is contained in Article 167 of Schedule I to Act IX of 1908 which provides a period of thirty days from the date of resistance or obstruction.

2. **Resistance by others:-** Order XXI, Rule 99, provides for cases where the resistance or obstruction has been occasioned by any person other than the judgment-debtor, claiming in good faith to be in possession on his own account or on account of some person other than the judgment-debtor.
3. **Restoration of possession of a person who was in possession not on account of debtor but was dispossessed in execution:-** If any person not bound by the decree should be dispossessed of any property in execution, whether by decree-holder or by the purchaser in execution, he may apply to the Court executing the decree under Order XXI, Rule 100, if he disputes the right of such decree-holder or purchaser to be put in possession. Where the Court is satisfied that the applicant was in possession of the property on his own account or on account of some person other than the judgment-debtor, it should, under Rule 101, direct that the applicant be put into possession of the property. Attention is drawn to this provision, as in such cases it is not uncommon for a Court to refuse to make any inquiry and to refer the applicant to regular suit. The limitation for such applications is thirty days from the date of dispossession (see Article 165, Schedule I to Act IX of 1908).
4. **[Direction for execution of decree with police help:-** Where the Executing Court is satisfied that it is not possible to execute the decree, warrant of arrest and/or distress without police assistance, it may direct the concerned Police Station to provide police assistance to such officials who are working towards execution of the decree. Further, in case an offence against the public servant while discharging his duties is brought to the knowledge of the Court, the same must be dealt with stringently in accordance with law."
{ Rule 5 inserted vide C.S. No. 84 Rules/II.D4 dated 21.11.2022}
