

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

**CR No.1061 of 2015
Date of Decision:18.02.2015**

Surinder Singh

. . . . Petitioner

Vs.

Amarjeet Singh

. . . .Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Mahavir Sandhu, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 31.1.2015
whereby his objection has been dismissed.

In short, the respondent filed a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 [for short 'the Act'] against the petitioner for ejectment from the property in dispute on the ground of non-payment of rent, material alteration, change of user and *bona fide* necessity, which was allowed on 14.12.2010 by the Rent Controller and the appeal filed by the petitioner against it was also dismissed by the Appellate Authority on 05.3.2013. When the execution was filed for taking possession, the petitioner filed an objection alleging that the decree-holder had lost his right, title and interest in the property in dispute in a suit titled as Amarjeet Vs. HUDA which has come to the notice of the petitioner recently. The said objection has been dismissed by the Executing Court on 31.1.2015 on the ground that the petitioner has not placed on record any such judgment and therefore, he has tried to delay the proceedings in the execution.

Learned counsel for the petitioner has argued that the Court below has committed a patent error in dismissing the objection and has referred to the order dated 2.7.2013 passed in *Civil Appeal No.33 RBT of 2011* titled as *Haryana Urban Development Authority Vs. Hari Krishan and others*.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that the petitioner was admittedly the tenant of the respondent against whom the petition filed under Section 13 of the Act has been allowed by both the Courts below and the order has attained finality, therefore, being the landlord, the respondent is entitled to take possession from the petitioner, who cannot challenge the title of the respondent at this stage.

In view thereof, I do not find any merit in the present revision petition and the same is hereby dismissed.

18.02.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**