

120-6

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

CR No.3284 of 2015

Date of decision: May 14, 2015

Vijay Kumar Gupta

.....Petitioner

Versus

Sukhdev Singh Dail

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Arun Jain, Senior Advocate with
Mr. P.S. Mehrotra, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 06.04.2015, whereby the application moved by the petitioner for staying the execution proceedings, was dismissed.

Learned Senior counsel for the petitioner has submitted that dispute qua ownership was pending between the Central Government and the landlord. Therefore, the execution proceedings in question were liable to be stayed.

Respondent had sought ejectment of the petitioner from the premises in question. The eviction petition filed by the respondent was allowed vide order dated 30.01.2013 (Annexure P-1). The said order has been upheld upto the Apex Court. During the pendency of the execution proceedings, petitioner moved an application for stay of execution proceedings. The case of the petitioner was that in

fact, the land in question belonged to the Central Government. Petitioner had filed a civil suit challenging the title of the landlord qua the land in question. The learned executing Court rightly dismissed the application moved by the petitioner as in the ejectment proceedings, an issue had been framed qua ownership of the shop in question and finding had been given by the Rent Controller that the decree-holder was the owner of the shop in question. The order passed by the Rent Controller was upheld upto the Apex Court. Petitioner had taken same objections before this Court as well as before the Apex Court, but the same were rejected by this Court as well as the Apex Court. In these circumstances, the learned executing Court rightly held that there was no occasion to stay the execution proceedings.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 14, 2015

m.singh