

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

CR No.3633 of 2015

Date of Decision : 26.5.2015

Sukhbir Singh

.....Petitioner

Versus

Usha Rani and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. Bhrigu Dutt Sharma, Advocate
for the petitioner.

GURMIT RAM, J.

This revision petition has been preferred by the petitioner-tenant against the order dated 13.5.2015 passed by the learned Civil Judge (Jr.Divn.), Jalandhar vide which he refused to stay the execution proceedings arising out of ejectment order dated 8.5.2013 passed by the learned Rent Controller in respect of the shop forming part of House No.249, Adarsh Nagar, Jalandhar.

2. The facts in brief are that the respondents herein (landlord) filed a petition under Section 13 of East Punjab Urban Rent Restriction Act, 1949 (for short – '*the Act*') for the ejectment of the petitioner herein (tenant) from the demised premises on the ground of arrears of rent and personal necessity which was accepted by the learned Rent Controller, Jalandhar vide order dated 8.5.2013.

3. The tenant preferred an appeal against this order before the learned Appellate Authority, Jalandhar which is stated to be

pending. During the pendency of the appeal, the landlord filed an execution petition before the Executing Court for the execution of the above-said order dated 8.5.2013 in which warrants of possession are ordered to be issued as submitted by the counsel for the petitioner herein. Then the tenant (petitioner herein) filed an application under Order 21 Rule 26 read with Section 151 CPC for staying the execution proceedings, which was declined by the learned Executing Court vide impugned order dated 13.5.2015.

4. Being aggrieved with this order, the petitioner-tenant has come up in the instant revision.

5. Counsel for the petitioner heard and records perused.

6. Learned counsel for the petitioner has contended that appeal against the ejectment order dated 8.5.2013 (Annexure P-1) passed by the learned Rent Controller is pending before the learned Appellate Authority, Jalandhar. It is further his contention that along with the grounds of appeal, an application (Annexure P-3) was filed for the grant of stay of operation of the ejectment order dated 8.5.2013 which has not been decided so far. Then the tenant filed an other application (Annexure P-5) dated 19.5.2015 for preponing the case. It is further his contention that if during the pendency of the appeal before learned Appellate Authority, Jalandhar, the landlord-decree holder succeeds to get the possession of the demised premises from the tenant in the execution of the above-said order (Annexure P-1), then in that eventuality the appeal now pending before the learned Appellate Authority, Jalandhar against this order will become infructuous.

7. So, in these circumstances, I deem it proper that the ends of justice in this case will meet, if direction be issued to the concerned Appellate Authority, Jalandhar to dispose of the above-said applications Annexures P3 and P5 expeditiously as per the law within 15 days from the date of receipt of copy of this order, if not disposed of earlier.

Ordered accordingly.

Registry to send the copy of this order to the quarter concerned immediately for compliance.

With the above-said observations, the present revision petition is disposed of.

26.5.2015
Brij

(GURMIT RAM)
JUDGE

1. To be referred to the Reporters or not? Yes/No
2. Whether the judgment should be reported in the Digest? Yes/No