

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

CR No.6788 of 2014(O&M)

Date of Decision : 9.7.2015

Simarjit Kaur and ors.

.....Petitioners

Versus

Kawaljit Kaur and ors.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. A.S. Kakkar, Advocate for the petitioners.

GURMIT RAM, J.

This revision is preferred at the instance of petitioners-herein (objectors) against the order dated 17.9.2014 (Annexure P-2) passed by the Court of learned Additional Civil Judge (Senior Division), Bathinda vide which the objections of the petitioners-herein (objectors) were dismissed without framing issues and without granting any opportunity to lead evidence.

2. The facts in brief as mentioned in the revision petition are that the respondents-herein (decree-holders) sought the eviction of the petitioners-herein(JDs-objectors) from House No.7420-A (Old) 10735 (New) situated at Kartar Basti, Bathinda, interalia, on the ground of personal necessity which was allowed by the learned Rent Controller and this ejectment order was upheld up to the Hon'ble High Court. Thereafter, the respondents-herein (decree holders) filed an execution before the Executing Court. During the pendency of this

execution, the petitioners-herein (JDs-objectors) filed objections which were dismissed by the Executing Court vide the impugned order (Annexure P-2) which resulted into filing of instant revision petition.

3. Counsel for the petitioners was heard and record as available was also perused.

4. Learned counsel for the petitioners contended that after dismissal of the revision petition by the Hon'ble High Court on 14.8.2008, the parties settled the matter mutually regarding property in dispute vide compromise Annexure P-1. As per this compromise, a total amount of Rs.1,00,000/- was to be paid to the respondents-decree holders by the petitioners-JDs. An amount of Rs.40,000/- was paid to the respondents/decree-holders and the remaining amount of Rs.60,000/- was also paid in cash to the respondents-decree-holders on 21.7.2009. This compromise was signed by the decree holders Karamjit Kaur, Amarjit Kaur, Jagjit Singh and Jaswinder Kaur on the said date. They also assured that they would be responsible for their mother Kawaljit Kaur (respondent/decree-holder No.1). They also assured that after taking the possession of the suit property, they would withdraw the execution petition in terms of compromise.

5. The objections filed by the petitioners-herein (objectors) were contested by the respondents-herein(decree-holders). In their reply, they took the plea that the alleged compromise is forged and fabricated document. They will file a complaint in this connection under Sections 406, 420, 465, 467, 468 and 471 of IPC against the objectors/JDs.

6. It is an admitted fact that the ejectment proceedings with regard to the suit property between the parties to the litigation had come up to the Hon'ble High Court which were decided against the objectors(tenants). A copy of the alleged compromise Annexure P-1 is also available on the record which shows that it is not bearing the signature of respondent/decree-holder Kawaljit Kaur. The other respondents/decree-holders have also denied the execution of this compromise. Then it was also their stand that in Civil Revision No.2119 of 2008, the present petitioners (objectors) were granted time of six months for vacating demised premises vide order dated 14.8.2008. They were also directed to pay all the arrears of rent and further future rent in advance by 7th of each month. In this connection, they were also directed to file an affidavit within a period of one month with an undertaking to hand over the possession of the demised premises to the landlords (respondents herein) on or before 13.2.2009. Then they were also directed to give an undertaking to clear all the arrears of rent as well as with regard to payment of future rent in advance during the period they were to remain in possession of the demised premises, but they did not comply with this order of the Hon'ble High Court.

7. In view of the above situation, it appears that the alleged compromise has been prepared with an intention to avoid the process issued by the Executing Court for execution of the ejectment order. There is nothing wrong on the part of the Executing Court by dismissing the alleged objections vide the impugned order. As above-said the alleged compromise is also not bearing the signature of one of the

decree-holders Kawaljit Kaur. There is nothing on record to frame any issue or to grant any opportunity to the party to lead evidence in this connection, when the alleged document is appearing to be false and fake on the face of it.

8. In view of the above discussion, there is no illegality or any infirmity in the impugned order. So, this revision is held to be devoid of any merit and as such the same stands dismissed and disposed of accordingly.

Since the main revision petition has been disposed of, the miscellaneous application, if any, also stands automatically disposed of having been rendered infructuous.

9.7.2015
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