

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7383 of 2015(O&M)
Date of decision: 04.11.2015

Narain Singh

... Petitioner

Versus

Charanjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Harjeet Singh Minhas, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Concededly, an order of eviction dated 03.10.2013, was rendered by the Rent Controller, Mohali, against respondent No.4 Swaran Kaur, on account of non-payment of rent, personal bona fide need and also as she had sublet the demised premises to the petitioner Narain Singh. Appeal preferred against the said order failed and was dismissed by the appellate authority, vide judgment dated 27.11.2014.

Learned counsel for the petitioner does not dispute that the order dated 27.11.2014, dismissing the appeal of the petitioner as also by Swaran Kaur, has since attained finality, for it was not challenged any further. In execution of the order of eviction dated 03.10.2013, possession of the demised

premises had since already been obtained on 24.04.2015. That being so, learned Rent Controller/Executing Court concluded that the application moved by the petitioner, under Order 21 Rules 99 & 58, read with Section 144 of the Code of Civil Procedure, for restoration of possession was not maintainable. Further, the petitioner had sought to re-open the matter, as a fraud was purportedly played upon him by Rakesh Oberoi and a civil suit, filed by the petitioner, titled, Narain Singh v. Charanjit Kaur, was already pending in the court of Additional Civil Judge (Sr. Divn.), Mohali. That being so, it was concluded that there was hardly any occasion for the executing court to recall the previous order, vide which the respondent-landlord was put in possession of the demised premises, or restore possession to the petitioner.

Learned counsel for the petitioner could not point out as to how the conclusion recorded by the executing court was either contrary to the position on record or suffered from any material illegality.

That being so, no interference is warranted in exercise of revisional jurisdiction, under Article 227 of the Constitution of India. Petition being devoid of merit is accordingly dismissed.

November 4, 2015
Rajan

(Arun Palli)
Judge

