

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8540 of 2015 (O&M)
Date of decision: 15.12.2015

Gurdial Singh

..... Petitioner

Versus

Brij Mohan (deceased) through LR's and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present : Mr. K.S.Rekhi, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Vide order being assailed dated 17.8.2015 (Annexure P-6), rendered by the executing Court, issues had since been framed pursuant to the objections preferred by respondent No.1.

Learned counsel for the petitioner contends that in an eviction petition preferred by the landlord (petitioner) against respondent No.2 Prem Nath, an order of ejectment was passed by the Rent Controller, Amritsar on 8.12.2009. An appeal as also the Civil Revision filed by the tenant before this Court, against the said order, were dismissed on 24.12.2012 (Annexure P-2) and 11.4.2013 (Annexure P-3), respectively. And now, it is contented that heirs of Brij Mohan i.e. real brother of the tenant (Prem Nath) have filed objections before the executing Court as they claimed to have inherited the tenancy, for even their late father was also a co-tenant with Prem Nath. Reply to the said objections was filed by the petitioner as back as in August

2013, but now the executing Court had framed issues and posted the matter for recording the objectors' evidence. It is submitted that the matter is being delayed at the behest of the tenant. And in the wake of the position on record, there was hardly any occasion to frame issues.

Be that as it may, on a consideration of the matter in issue, I am of the considered view that ends of justice shall be served if the executing Court is directed to decide the objections within a specified time. Accordingly, revision petition is disposed of with a direction to the executing Court to decide the matter within a period of three months from the receipt of the certified copy of the order. Needless to assert, the executing Court shall formulate a requisite time schedule for the purpose of recording evidence etc., so as to ensure that the matter is indeed decided within afore-indicated period.

December 15, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**