

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

CWP No. 14887 of 2011

Date of decision : 05.02.2015

Bhim Singh & ors.

....Petitioners

V/s

Financial Commissioner, Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. MPS Mann, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Aman Arora, Advocate for respondent no. 3.

RAJAN GUPTA J.

The predecessor-in-interest of the petitioners was in cultivating possession of the land, ownership whereof vested in one Pushpa. An eviction application under section 9 of the Punjab Security of Land Tenures Act was moved. Eviction was finally ordered by the Collector on 17.11.1987. After order of eviction, tenants filed certain other proceedings in which stay was granted which was ultimately vacated on 25.09.1992. Respondents thereafter filed execution application on 27.07.2001. Same was accepted by Assistant Collector Ist Grade. Tenants availed the remedy of appeal/revision etc. Finally matter came up before the Financial Commissioner, Haryana who vide his order dated 24.02.2011 held that landlords were entitled to get possession of the land in execution of the eviction order. Aggrieved, present petition has been filed.

Learned counsel for the petitioner has mainly argued that execution application was beyond limitation. According to him,

proceedings before the Collector would be governed by Article 137 of the Limitation Act which prescribes 3 years as limitation for executing a decree. He relies upon judgment reported as *Ram Kumar Kajaria vs. M/s Chandra Engineering (India) Ltd. 1972 AIR (Calcutta) 981*.

Learned State counsel, however, submits that relationship of landlord and tenant had ceased to exist between the parties after eviction order was passed. There is, thus, no question of limitation involved. He has placed reliance on judgment reported as *Balbir Singh vs. Santa Singh 2001(4) RCR (Civil) 813*.

I have heard learned counsel for the parties.

Admittedly, an eviction petition was preferred by small landowners. Keeping in view all facts and circumstances, authority ordered their eviction. This finding was upheld by appellate and revisional authorities. It is evident that relationship of landlord and tenant came to an end after eviction order was passed in the year 1987. It appears that even after passing of the eviction order, tenants were able to delay the matter by approaching civil court wherein an order staying their dispossession was passed. Same was vacated on 25.09.1992. Landlords tried to execute the eviction order. Tenants raised the plea of limitation. The matter ultimately came up before the Financial Commissioner who held that proceedings under the Act are special proceedings, though revenue courts are not 'civil courts' but principles of CPC are followed. Admittedly, no limitation is prescribed in Punjab Security of Land Tenures Act or Punjab Tenancy Act. Even otherwise Article 136 prescribes limitation of 12 years for executing a decree. As stay was vacated by civil court only on 25.09.1992, plea for execution of

the eviction order cannot be said to be beyond limitation. Besides, small landowners cannot be allowed to be deprived of their land by frustrating the eviction order passed in their favour way-back in the year 1987. The judgment in *Balbir Singh's* case (supra) cannot help the case of the petitioners as facts of the said case were totally different. I, thus, find no merit in this writ petition. Dismissed.

February 05, 2015

Ajay

(RAJAN GUPTA)
JUDGE