

**CM No.23369-CII of 2016 in/and
Civil Revision No.7014 of 2016**

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

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**CM No.23369-CII of 2016 in/and
Civil Revision No.7014 of 2016
Date of Decision: December 08, 2016**

ROSY

-PETITIONER

VS

KANHYA LAL VERMA AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohd. Salim, Advocate
for the applicant-petitioner.

RAJ MOHAN SINGH, J. (ORAL)

CM No.23369-CII of 2016

For the reasons mentioned in the application, the application is allowed and the revision petition is ordered to be restored to its original number by recalling order dated 04.11.2016.

With the concurrence of learned counsel for the petitioner, the main case is taken up today.

Main case

Petitioner has assailed order dated 07.10.2015 passed by Additional Civil Judge (Jr. Divn), Chandigarh and judgment dated 02.08.2016 passed by Additional District Judge, Chandigarh whereby objections filed by the petitioner were

dismissed.

The case was adjourned to 07.10.2015 for evidence of the objector-petitioner. Objector-petitioner did not appear for leading evidence nor any evidence was led in the past. The Executing Court did not consider to adjourn the case further for evidence of the objector. The evidence of the objector was closed by order of the Court. In the absence of any evidence on both the issues, the same were decided against the objector and the objections filed by the objector-petitioner were dismissed. The execution was filed to recover the possession of the property from judgment debtor – Sikander in which third party objections came to be filed at the instance of Rosy-objector/petitioner.

With the dismissal of the objections, warrants of possession were issued. The order dated 07.10.2015 was assailed by the objector in appeal before the lower Appellate Court. It was noticed by the lower Appellate Court that filing of objections was just a ploy to delay the execution. The objector herself filed a suit for permanent injunction in which she had mentioned that she was wife of Sikander, resident of House No.72, Sector-56, Chandigarh. The suit was duly accompanied by an affidavit executed by the objector. The petitioner herself gave name of Sikander to be her husband. Respondents even

impleaded Sikander as head of the family in the rent petition but the petitioner-objector did not produce any document in the Courts below that she was not wife of Sikander. The subsequent stand of the objector was otherwise, claiming herself to be wife of David on the strength of gas connection etc.

Be that as it may, petitioner-objector did not lead any evidence on the issue so framed by the Executing Court. The objections were rightly dismissed by the Executing Court.

I have no reason to differ with the conclusion drawn by the Courts below.

Accordingly, the present revision petition is dismissed.

**(RAJ MOHAN SINGH)
JUDGE**

December 08, 2016

jjyoti Y.

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No