

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

**Civil Revision No.7329 of 2016 (O&M)
Date of Decision:November 21, 2016.**

Om Parkash

.....PETITIONER(s).

VERSUS

Rajiv Kumar and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

SURINDER GUPTA, J.

Vide order dated 11.09.2009, the revision petitioner was ordered to be ejected from the demised shop and Khola, boundaries of which are described in the petition as follows:-

East	:	Amritsar to Ajnala Road,
West	:	Property of Shri Ram Swaroop,
North	:	Drain
South	:	Shop of Jaspal Singh,

situated at Raja Sansi, Tehsil Ajnala, District Amritsar. Appeal against the order of the Rent Controller was dismissed by Appellate Authority, Amritsar.

2. Respondents-landlord filed execution petition No.24 dated 14.12.2012, wherein revision petitioner filed objection seeking stay of the execution proceedings on the grounds as follows:-

- (i) the matter is still sub-judice before this Court; and
- (ii) the site plan produced before the Rent Controller is not correct

as per actual and physical position at the spot.

3. Executing Court dismissed the objections with the observation that the Rent Controller has already described the description of the property regarding which the ejectment order has been passed and in the revision petition filed before this Court, no order staying the further proceedings in the execution petition has been passed.

4. Learned counsel for the revision petitioner has pressed the only point regarding the description of the property of which landlord/respondents are seeking warrants of possession. He has argued that without demarcation of the location of the suit property in particular khasra number of which it is part, possession cannot be delivered to the respondents-landlords.

5. The submission of learned counsel for the appellant has no merits as the suit property has been described in the ejectment petition and also in the site plan produced during ejectment proceedings. The executing Court has to execute the ejectment order as passed by the Rent Controller and affirmed by the Appellate Authority. Order passed by Rent Controller and Appellate Authority define the suit property by boundaries, as such, executing court before issuing warrants of possession is not required to go for demarcation to locate its existence. I find no infirmity in the order under revision, which has no merits.

Dismissed.

(SURINDER GUPTA)
JUDGE

November 21, 2016.
Sachin M.

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No