

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

129

Civil Revision No.7511 of 2016
Date of Decision: November 09, 2016

Gurnam Singh

...Petitioner

Versus

Bir Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Chander Kant Rana, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court assailing the order dated 03.11.2014 passed by the Executing Court, whereby the objections filed by the petitioner, have been rejected, appeal against which preferred by the petitioner has also been dismissed by the Additional District Judge, Rupnagar, on 03.08.2016.

2. It is the contention of learned counsel for the petitioner that after the passing of the order by the Appellate Authority modifying the order passed by the Rent Controller, Rupnagar, whereby directions were issued to the petitioner to pay ₹52,711/- within one month from the date of the order, the respondent-landlord preferred a revision petition before this Court which is pending in this Court and that was the plea and the ground/objection taken in the execution proceedings. He contends that since there was a triable issue involved, the Court should have framed the issue and thereafter taken the evidence of the parties and decided the objections of the petitioner on merits. Instead of that, the Executing Court rejected the same without going through the said process. He contends that the same is, therefore, unsustainable and is liable to be set aside and the objections raised by the petitioner should have been accepted.

3. I have considered the submissions made by learned counsel for the petitioner and have gone through the impugned orders but cannot accept the submissions, as has been asserted by the counsel for the petitioner.

4. It is not in dispute that the Appellate Authority had modified the order passed by the Rent Controller by directing the petitioner to deposit a sum of ₹52,711/- within a period of one month, which the petitioner failed to deposit. The plea which is being sought to be taken for non-deposit of the said amount is the challenge posed to the order passed by the Appellate Authority by the respondent-landlord in which there was no stay granted of the proceedings. In the said background and facts and circumstances, mere pendency of the revision petition and that too by the respondent-landlord, cannot be a ground for petitioner to have not deposited the amount as directed to be deposited by the Appellate Authority, especially when he had accepted the said order and had not challenged the same. The orders as passed by the Courts below being in accordance with law, do not call for any interference as it has rightly been held that there is no issue which requires to be adjudicated upon as the objections which have been raised are not of such a nature.

5. In view of the above, the present revision petition stands dismissed.

November 09, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No