

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

218

CR No.7917 of 2016 (O&M)

Date of Decision: December 23, 2016

BALDEV RAJ

-PETITIONER

VS

PURAN CHAND AND ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Ashok Kumar Sama, Advocate
for the petitioner.

Mr. Neeraj Madaan, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed orders dated 13.09.2016 and 03.10.2016 passed by Civil Judge (Jr. Divn), Jalalabad vide which warrants of possession of the suit land were issued in favour of respondent No.2 and directions were made to the bailiff to get the same executed.

Further police help was also accorded in order to see proper execution of the warrants without there being any hindrance whatsoever. The suit for possession by way of specific performance of the agreement to sell dated 06.01.2000 in respect of suit property was decreed by the trial Court on 12.09.2005 in favour of plaintiff-respondent No.1. An application for execution of decree was filed. The Executing Court appointed Reader of the Court as Local Commissioner to get

the sale deed executed in favour of decree holder vide order dated 01.09.2016.

On 13.09.2016, Local Commissioner submitted a report dated 05.09.2016 along with copy of sale deed. Thereafter, the Executing Court issued warrants of possession and directed the bailiff to get the same executed.

Petitioner claimed himself to be a tailor master and tenant in the suit property since 2000 and was paying the rent regularly. Petitioner also asserted that he took the shop on rent from respondent No.2 in the year 1998 and since then, he was doing business of tailoring. After coming to know about issuance of warrants of possession, petitioner moved an application under Order 1 Rule 10 CPC and also raised objection. The application filed under Order 1 Rule 10 CPC was ultimately withdrawn on 10.11.2016, however, objections under Order 21 Rule 101 CPC were filed before the Executing Court.

At the time of issuance of notice of motion on 23.11.2016, following order was passed by this Court:-

“Learned counsel for the petitioner contends that petitioner was inducted as tenant in the shop in the year 1998 by respondent No.2. Assessment register of the year 1998-99 and the record prepared under the Punjab Shops and Commercial Establishment Act, 1958 depicted that shop is

being run by the petitioner under the name and style of M/s Baldev Raj Tailor Master. Learned counsel also relied upon rent deed w.e.f. 01.01.2000 to show that petitioner is a tenant in the shop under respondent No.2. Objections filed by the petitioner under Order 21 Rule 101 CPC read with Section 151 CPC are still pending before the executing Court and warrants of possession with police help have been issued without deciding the objections filed by the petitioner. Notice of motion for 21.12.2016. In the meanwhile, status quo regarding possession over the suit property be maintained by the parties.”

Learned counsel for the respondent has placed on record certified copy of order dated 06.12.2016 vide which the objections filed by the petitioner were dismissed by the Executing Court.

In view of aforesaid, this revision petition has become infructuous. Ordered accordingly. The petitioner may avail his legal remedies in accordance with law.

23.12.2016
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No