

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

CR No.4308 of 2017

Date of Decision:-06.07.2017

Bhupinder Singh.

.....Petitioner.

Versus

Dharam Paul since deceased through his Lr.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Amit Arora, Advocate for the Petitioner.

JASWANT SINGH, J. (ORAL)

Petitioner (tenant)/Judgment Debtor has filed the present petition, being aggrieved against the order dated 17/05/2017 (**P-6**) passed by Civil Judge (Jr. Divn.), Amritsar, whereby his objections have been dismissed.

Learned Counsel for the petitioner (tenant) has argued that the eviction order dated 03/04/2013 (P-1) was passed on the ground that Dharam Pal-original landlord required the premises for his own use and occupation. However, after passing of the ejectment order, which was also affirmed by the Appellate Authority on 11.2.2015, Dharam Pal has died and therefore, his LRs are not entitled to seek execution of the eviction order, which was passed for the bona fide requirement of the deceased. Thus, prayer was made for allowing the present revision petition and dismissing the execution application filed by the decree holders.

After hearing learned Counsel for the petitioner and perusing the record, this Court is of the considered view that present petition is devoid of any merit and same deserves to be dismissed.

It is not in dispute that Dharam Pal, original landlord, had been able to prove his personal bona fide requirement which has been upheld by the Rent Authorities. It is settled position of law that the cause of action is to be seen at the time of filing of the ejectment application and any subsequent event which is occurred due to the delay caused in the proceedings, will not entitle the tenant to seek dismissal of the execution petition. It is also settled position of law that the executing court cannot go behind the decree and is bound to execute the order passed by the authorities concerned.

Hence, there is no illegality or infirmity in the impugned order passed by the Court below which is hereby affirmed and resultantly the present petition stands dismissed.

(JASWANT SINGH)
JUDGE

July 06, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>