

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 25.09.2017****CR No.6525 of 2017**

Harpreet Singh Aulakh

...Petitioner

Vs.

Vipin Kumar Aggarwal

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Warish Singh Aulakh, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

This is an evicted tenant's petition against warrants of possession issued by the executing court while his appeal is pending against the eviction order passed by the Rent Controller.

Heard.

I have no doubt that the petitioner should be relegated to his remedy before the Appellate Authority under the Rent Act, where the appeal is pending for him to make appropriate prayers by way of a proper application presented for consideration.

Since the petitioner has an alternative and efficacious remedy before the Appellate Authority against the warrants of possession in the light of the appeal pending decision, this petition is disposed of with a request to Appellate Authority to consider that in case an application is filed by the petitioner in the background of issuance of warrants of possession by the Executing Court, it is expected that before the warrants are carried out, the application as well as the main appeal should be heard and disposed of as

expeditiously as possible, subject to the priority of other cases on board of the learned Additional District Judge - cum - Appellate Authority, Chandigarh failing which the authority may pass such interim orders as are warranted and deemed just and expedient to keep the pending appeal meaningful and free from any irreversible complications till it is decided. This is the least this Court can do in this petition to avoid a perceived miscarriage of justice at a premature stage.

25.09.2017

Vimal

**[RAJIV NARAIN RAINA]
JUDGE**

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