

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

Sr. No.117

C.R. No.7737 of 2017 (O&M)

Date of decision: 08.11.2017

M/s Ganda Mal Piare Lal

....Petitioner

versus

Jang Bahadur

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sharad Mehra Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral)

On a petition filed by the respondent-landlord under Section 13 of East Punjab Urban Rent Restriction Act, 1949, through order dated 15.02.2017 passed by the Rent Controller, Ajnala, the petitioner was directed to be evicted from the tenanted premises against which order, on 14.03.2017, the petitioner preferred an appeal before the Appellate Authority, Amritsar. Alongwith the appeal prayer for staying the petitioner's eviction during the pendency of the appeal was also made. On finding arguable points in the appeal, the Appellate Authority issued notice to the respondent-landlord and thereafter, the matter is now listed for 22.11.2017.

In the meanwhile, the respondent-landlord sought execution of the aforesaid eviction order dated 15.02.2017 passed by the Rent Controller, Ajnala in which proceedings warrants of possession were issued permitting the respondent-landlord to take possession of the tenanted premises from

the petitioner. The Executing Court directed the enforcement of the warrants of possession on or before 13.11.2017.

On the issuance of the warrants of possession, the petitioner applied to both the Executing Court as also the Appellate Authority seeking stay of his eviction till the time his appeal or at least his prayer for stay was finally decided by the Appellate Authority. As the Appellate Authority had not granted the petitioner any interim protection, the Executing Court dismissed the application filed by the petitioner. However, in the application filed by the petitioner before the Appellate Authority seeking stay of his eviction during the pendency of the appeal, notice was issued to the respondent-landlord in which after the respondent has filed his reply the matter is now listed on 22.11.2017.

Learned counsel for the petitioner submits that the only limited relief that he seeks from this Court is that till the time the prayer for stay made by the petitioner at the time of filing of his appeal as also through the application filed by him later is finally adjudicated upon by the Appellate Authority, he be not dispossessed from the tenanted premises.

The above submission made by learned counsel for the petitioner is found to be reasonable. Once the petitioner has filed a statutory appeal to challenge his order of eviction and alongwith the same has made a prayer for the grant of interim protection and in such appeal, after finding arguable points therein, the Appellate Authority has issued notice to the respondent, it is desirable that before the Appellate Authority considers and finally adjudicates upon the prayer for stay, the petitioner be protected through an interim order.

In view of the above, the petition is disposed of with a direction

to the Appellate Authority, Amritsar, to take a final decision on the petitioner's prayer for stay of his eviction in the pending appeal before it expeditiously. Till the final order is passed and if the same is adverse to the petitioner's interest, even for a week thereafter, the petitioner's dispossession from the tenanted premises is stayed.

The petition is disposed in the above terms.

(DEEPAK SIBAL)
JUDGE

November 08, 2017

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No