

In the High Court of Punjab and Haryana at Chandigarh

CR No. 8092 of 2017

Date of Decision: 20.11.2017

**The Raj Handloom Production and Cooperative Industrial Society
Limited Amritsar**

---Petitioner

versus

Baldev Raj and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. I.S.Saggu, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition directs challenge against order dated 6.11.2017 (Annexure P-1) passed by the Civil Judge (Junior Division), Amritsar whereby objections filed by the Ganga Handloom Production Cooperative Industrial Society Limited have been allowed but warrants of possession are issued with direction to break open locks of the premises.

The sole submission made by counsel for the petitioner is that as the Raj Handloom Production and Cooperative Industrial Society Limited filed objections in execution of decree dated 17.9.1999 passed in suit titled “Baldev Raj vs. Amar Nath” raising a plea that the aforesaid society is a tenant in the said building with effect from 2.7.1994 and is regularly paying monthly rent of Rs. 300/-, duly entered in the books maintained by the society and till that objection raised by the petitioner is

decided in accordance with law, order passed by the executing court for issuance of warrants of possession with a direction to unlock the premises is required to be set aside/stayed.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

It is undisputed position of the case that the objection petition filed by the petitioner-society was allowed by the Civil Judge (Junior Division), Amritsar vide order dated 17.11.2014 (Annexure P-3). The order passed by the Executing Court became subject matter of challenge in Civil Revision No. 131 of 2015 filed at the behest of decree holder Baldev Raj. The said petition was allowed by this Court vide order dated 8.9.2017 (Annexure P-4) whereby the order dated 17.11.2014 was set aside with a direction to the Executing Court to proceed with the execution in accordance with law with a further direction to put its best efforts to ensure that the decree is executed without any further delay. At the time of arguments in the said civil revision, no such contention was raised before this Court that the issue with regard to the petitioner-society being a tenant in the building in question needs to be decided by the Executing Court afresh even if the order impugned is set aside. Once the objection petition preferred by the petitioner was decided by the Executing Court and the order passed by the Executing Court has been set aside by this Court without any liberty to the petitioner to agitate any issue, subject matter of objection petition, the petitioner cannot be heard to say that order passed by the Executing Court is erroneous and liable to set aside. This apart, the petitioner-society has filed the present petition through its President Smt. Neelam Kumari wife of Som Nath. Neelam Kumari is none else than

daughter-in-law of judgment debtor Amar Nath, therefore, it can be safely held that the present petition is another attempt on behalf of family members of Amar Nath to create hurdle in execution of the decree that was passed way back in the year 1999.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

20.11.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No