

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

Civil Revision No.8735 of 2016

Date of decision: 18.01.2017

Tarsem Lal

...Petitioner

Versus

Gurbachan Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Aayush Gupta, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The present revision petition filed under Article 227 of the Constitution of India prays for direction to the Ld. Executing Court/Rent Controller, Ludhiana to execute the pending execution i.e. EXE/58/2016 of the judgment dated 23.5.2011 (Annexure P/1) upheld till the Hon'ble Supreme Court vide order dated 26.2.2016 (Annexure P/4) in a time bound manner.

Counsel submits that eviction of the respondent-tenant had been ordered vide order dated 23.5.2011 (Annexure P/1) on the ground of “cease to occupy” which was upheld by this Court on 4.12.2015 (Annexure P/3) and the SLP was dismissed on 26.2.2016 (Annexure P/4). Warrants of possession were issued on 27.1.2016 by the Executing Court but the same could not be executed on account of premises being locked. It is submitted that son of the respondent thereafter filed objections in which it had been pleaded that judgment debtor and objector/tenant/occupant had strained relations with each other and therefore the eviction order was collusive as such. The reply to the said objections was filed on 5.7.2016. Thereafter, an application for amendment was filed in which the petitioner suffered a

statement on 22.9.2016 and the same was allowed subject to payment of costs. The costs were thereafter not paid on two dates and now the case is fixed for 27.1.2017 for filing reply.

Keeping in view the above cumulative factors, this Court is of the opinion that since the litigation had been finalised upto the Apex Court and the rent application had been filed on 21.4.2004 and a period of more than a decade has gone by and the landlord is thus being put to harassment and not able to get the fruits of litigation.

In such circumstances, it would be appropriate if the Rent Controller/Executing Court, Ludhiana will decide the execution petition in a time bound frame preferably within a period of three months from the date of receipt of certified copy of this order.

Notice is not being issued to the respondent in view of the fact the tenant has lost the litigation upto the Apex Court and has neither filed any objection against the same.

With the aforesaid observations, the present revision petition is disposed of.

January 18, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No