

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

**ESA No.50 of 2017(O&M)**  
**Date of Decision: 27.09.2017**

M/s Aman Industries Company .....Appellant

# Versus

Vimla Devi and others ... Respondents

**CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. S.K. Pipat, Sr. Advocate with  
Mr. H.K. Brinda, Advocate  
for the appellant.

Mr. Ashish Aggarwal, Advocate  
for the respondents.

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***RAJ MOHAN SINGH, J.***

[1]. Appellant has assailed the judgment dated 18.08.2017 passed by Additional District Judge, Chandigarh vide which the order dated 04.07.2017 passed by Civil Judge (Junior Division), Chandigarh in execution was upheld.

[2]. The third party objections were filed by the appellant on the ground of tenancy with the landlord. Objector/appellant alleged that the appellant was not party to the rent petition. The appellant is in possession. Tenancy was never terminated at the instance of the decree holder. Rent for the month of March, April, May 2017 has already been paid to the landlady vide

demand draft of Rs.90,000/- bearing No.260250 dated 06.04.2017. The ejectment order dated 16.12.2014 was against M/s Robot Engineering Pvt. Ltd.

[3]. The objections were contested by the decree holder on the ground that the filing of objections was in connivance with the judgment debtor. The account of the decree holder was known to the decree holder and just to create evidence, the deposit was made. When the decree holder came to know about this on 21.04.2017, the decree holder told the bank that she has not deposited any amount by means of demand draft in question.

[4]. The Courts below have noticed that there was no rent note between the parties. The deposit of amount in the account of decree holder alone on 06.04.2017 is not a proof of possession on behalf of the objector. The amount deposited on 06.04.2017 was from the account of one Pushpinder and not from the account of the objector. The photo carries the name of the objector can be procured at any stage. The electricity bills on record were in the name of the judgment debtor, showing the judgment debtor to be in possession. The rent account statement of the objector in respect of plot No.959 is a self assessment and such document is not binding upon the decree holder, nor the same proved the possession of the objector on

the suit property.

[5]. It appears that the judgment debtors having lost the litigation upto High Court in CR No.7613 of 2014 titled M/s Robot Engineers Pvt. Ltd. and another Vs. Vimla Devi have initiated a fresh bout of limitation at the instance of the objector/appellant. CR No.7613 of 2014 filed by the judgment debtor was ultimately dismissed as withdrawn on 11.11.2014.

[6]. The present revision petition at the instance of objector/appellant has been filed through the same counsel who had appeared in the aforesaid revision petition.

[7]. In the light of findings recorded by the Courts below, I do not wish to interfere in the impugned orders as the orders passed on record cannot be held to be the result of any misreading of evidence or suffered with any perversity. This appeal is accordingly dismissed.

27.09.2017

prince

**Whether Reasoned/Speaking**

**Whether Reportable**

**(RAJ MOHAN SINGH)**  
**JUDGE**

**Yes/No**

**Yes/No**