

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

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Date of Decision : 18.09.2018

1. CR No.2305 of 2018 (O&M)

Rajesh Kumar

..... Petitioner

Versus

Hardip Singh

..... Respondent

2. CR No.2729 of 2018 (O&M)

Darbari Lal

..... Petitioner

Versus

Hardip Singh

..... Respondent

3. CR No.2510 of 2018 (O&M)

Sanjeev Kumar

..... Petitioner

Versus

Hardip Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Dinesh Ghai, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned three petitions.

These three petitions have been filed against the dismissal of the objections filed by tenants in execution. The admitted facts are that the respondent had filed petition/s under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 against the three petitioner/s on 19.12.2008. Those petitions were ultimately allowed on 15.09.2010. Thereafter the respondent filed an execution. The first objection taken by the petitioner/s was that infact the respondent have no intention to come back to India and at one stage apparently the executing Court directed that the respondent should be present to take the possession. The case of the petitioner/s was that even thereafter the respondent did not come present to take the possession and consequently the execution should have been dismissed. These objections having been rejected the present petition has been filed.

Before me also the learned counsel for the petitioner/s has argued that actually the respondent has no intention to come back to India and rather even the decree he obtained was a fraudulent decree.

I put it to the learned counsel for the petitioner/s whether these objections could be taken in execution. He argued that fraud can be challenged at any stage. There is no quarrel with this proposition and there was no bar to the petitioner/s to challenge the fraud but the simple fact is that the executing Court can not go behind a decree and this is precisely what had been held by the Court below.

I find no fault with the judgments of the Court below.

Petitions stand dismissed.

Since the main cases have been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

18.09.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No