

In the High Court of Punjab and Haryana at Chandigarh

.....

Civil Revision No.3676 of 2018

.....

Date of decision:30.5.2018

Krishan Kanta

.....Petitioner

v.

Rattan Singh and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Naresh Kaushik, Advocate for the petitioner.

.....

Inderjit Singh, J.

This civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 9.5.2018 (Annexure-P.1) passed by the learned Additional Civil Judge (Senior Division), Garhshankar, whereby warrants of possession has been issued and application for stay of execution proceedings of the petitioner-objector has been dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that during the pendency of execution proceedings, an application had been filed by Krishan Kanta-objector (present petitioner) for staying the execution proceedings and for recalling the warrants of possession issued by the Court.

A perusal of the impugned order dated 9.5.2018 passed by the learned Additional Civil Judge (Senior Division), Garhshankar, shows that the same has been passed correctly as per law. No illegality has been committed. Earlier the objections filed by the present petitioner had already been dismissed by the Court in the execution proceedings. An appeal filed by the present petitioner was also dismissed vide order dated 3.1.2015. It has also been held by the learned Additional Civil Judge (Senior Division), Garhshankar, that no where in the objections did instant applicant ever raise the plea of being in possession of disputed property on the basis of alleged family settlement. Rather, when warrants of possession were issued by the instant Court, applicant-Krishan Kanta filed application dated 14.9.2017 seeking time to remove the encroachment of her share by herself. In the said application, she had claimed that she be granted time to remove her house hold belongings and the demolition be done in her presence. But on one pretext or the other the applicant side kept delaying to advance arguments on the said application and the application was disposed of on 21.12.2017. Despite having gained such time, the applicant/objector did not comply with the judgment and decree. The mere filing of civil suit by Krishan Kanta challenging the judgment and decree itself is no ground to stay the execution proceedings.

Therefore, from the above, I find that the impugned order dated 9.5.2018 passed by the learned Additional Civil Judge (Senior Division), Garhshankar, is correct as per law and no illegality has been committed while passing the order and it does not require any interference from this Court and the same is upheld.

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Finding no merit in this civil revision petition, the same is accordingly dismissed.

May 30, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No