

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

CR No. 7915 of 2018(O&M)

Date of decision: 27.11.2018

Mohan Singh through LRs

.....Petitioner

VERSUS

Balraj Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been filed for issuance of direction to the executing Court to proceed with the execution application in accordance with law as conditional order dated 25.04.2018 passed by this Court has not been complied with qua payment of subsequent rent, by invoking Article 227 of the Constitution of India.

Counsel for the petitioner would urge that as the order passed by this Court granting conditional stay is very clear, the executing Court should not have stalled the proceedings despite the fact that the respondent (petitioner in CR Nos.2063 and 2073 of 2018) has not complied with interim order dated 25.04.2018 passed therein by this Court. He would further state that the petition may be dismissed as withdrawn but without prejudice to right of the petitioner to file an appropriate application in the pending revision petitions filed by Balraj Kumar.

Be that as it may, the present petition is nothing short of abuse and misuse of process of law. If the respondent has not complied with interim order passed by this Court in CR Nos.2063 and 2073 of 2018, the petitioner was always at liberty to file an appropriate application before this Court or even before the executing Court but perusal of the zimini orders placed on record indicates that no such application was filed before the executing Court and rather the petitioner has rushed to this Court to file the present petition. As such, the present petition is liable to be dismissed with compensatory costs of Rs.10,000/- and I order accordingly. However, the petitioner may take recourse to appropriate remedy in accordance with law.

NOVEMBER 27, 2018		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no