

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

**Civil Revision No.18 of 2019 (O&M)
Date of Decision: January 08, 2019.**

Rajinder Kumar

.....PETITIONER(s).

VERSUS

Smt. Veena Kukar and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ajay Jain, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

This revision petition has been filed against the order dated 27.11.2018 passed by executing Court, whereby application of petitioner for recalling warrants of possession has been declined.

Learned counsel for the petitioner submits that after passing of ejectment order against him, petitioner filed appeal, which is pending before the Appellate Authority, Fazilka. The appeal was filed in the year 2017 along with application for grant of interim relief of staying the execution of ejectment order. The Appellate Authority has not passed any order on that application. In the meanwhile, executing Court issued warrants of possession on 03.11.2018 and the petitioner applied for withdrawal of warrants of possession but his application was declined on the ground that there is no order staying the execution of ejectment order.

So far as the order passed by executing Court is concerned, the same does not suffer from any legal infirmity calling for any interference. The remedy available to the petitioner is to approach the Appellate Authority and make request for stay of execution proceedings or to decide his application for interim stay. Instead of approaching the Appellate Authority, petitioner has rushed to this Court.

Learned counsel for the petitioner submits that the Appeal is fixed for today before the Appellate Authority.

This petition is disposed of with liberty to the petitioner to request to Appellate Authority for interim relief or to decide his application.

In the meanwhile, execution of warrants of possession shall remain stayed, for a period of 7 days from today.

It is, however, made clear that after the expiry of period of 7 days, warrants of possession may be executed without seeking any further clarification from this Court.

January 08, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***