

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

CR No. 5890 of 2019 (O&M)
Date of decision: 19.9.2019

Anoop Khullar

...Petitioner

Versus

Ajmer Lal

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rakesh Sobti, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

The petitioner herein seeks to challenge the order of the executing court dated 5.9.2019, whereby the objections filed by him have been dismissed and warrants of possession have been issued for 30.9.2019.

In brief, facts are that a petition had been filed by the respondent herein seeking ejectment of of the petitioner from the tenanted premises on the ground of personal necessity. On an application filed, provisional rent was assessed by the Rent Controller on 19.5.2017 and time was granted to the tenant/petitioner herein to deposit the same. However, on account of non-compliance of the provisional assessment order, the Rent Controller by his order dated 3.7.2017 directed the petitioner herein to hand over vacant possession of the tenant premises within a period 60 days.

Aggrieved against the said order an appeal was preferred, which was contested and after hearing arguments, the Appellate Court

dismissed the appeal on 3.4.2018. It would be pertinent to note that there was no challenge thereafter by the petitioners to the orders passed by the courts below and thus the ejectment order had attained finality. Since the tenanted premises was not vacated by the petitioner, the decree-holder/respondent herein filed an execution petition seeking possession of the tenanted premises to which objections were filed by the petitioner taking several pleas therein, which were dismissed by the impugned order, giving rise to the instant revision.

Learned counsel appearing on behalf of the petitioner herein impugns the order so passed stating that there was concealment by the decree-holder/respondent as the matter was compromised between the parties. It is argued that one complaint under Section 138 of the Negotiable Instruments Act for a cheque of ₹30,000/-, out of total arrears of ₹1,00,000/-, was pending in the Ambala Courts on the ground that there was arrears of rent due w.e.f. August, 2015 to October, 2016, which matter was compromised and therefore, nothing remains to be paid. Apart from that, it is submitted in case this Court is not inclined to interfere with the impugned order, the petitioner may be granted more time to vacate the tenanted premises on the ground that his father is unwell and he needs more time to make alternate arrangement.

I have heard learned counsel for the petitioner and have also perused the impugned order as well as the documents annexed with the revision.

The admitted position is that by order dated 19.5.2017, provisional rent was assessed by the Rent Controller, which came to be

₹1,83,650/- and on account of non-deposit of the same, eviction order had been passed as far back as 2017. The appeal too was dismissed, which had attained finality as no revision was preferred. The petitioner herein was made aware of the fact that he would have to vacate the premises in dispute but he has managed to evade the eviction uptill now. The execution petition was filed on 16.7.2018 and it is a year later that warrants of possession have been issued. Any prudent man would have made alternative arrangement to shift and vacate the premises instead of waiting till the very last. This Court is also conscious of the fact that the landlord is waiting endlessly to get the possession of the tenanted premises and, therefore, finding no equity in favour of the petitioner, the instant revision petition is dismissed.

19.9.2019

prem

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No