

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

253

**CR No.14333 of 2018(O&M)
Date of Decision:22.11.2019**

PAWAN KUMAR AND ANR

.....Petitioners

Versus

PUNJAB WAKF BOARD, THROUGH ITS ESTATE OFFICER

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Tejinderbir Singh, Advocate
for the petitioners.

Mr. G.N.Malik, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

Notice of motion was issued on 11.1.2019 by
passing the following order:-

“Learned counsel for the petitioners contends that on earlier occasion also on tendering the arrears of rent on the first date of hearing, the respondent-landlord got the petition dismissed as withdrawn. Presently also the petitioners after engaging Mr. M.M. Kataria, Advocate filed written statement and tendered entire arrears of rent on the first date of hearing and thereafter the respondent-landlord was to withdraw the petitioner as done by it

on earlier occasion. Under this bona fide belief coupled with the assurance given by the respondent, the Advocate on behalf of the petitioners did not appear in the case and the petitioners were accordingly proceeded against ex parte and ex parte judgment and decree was passed on 01.09.2012.

Notice of motion for 01.04.2019.”

During the course of arguments, it transpires that the decree in question has already been executed by the respondent-Wakf Board and possession has been taken on 26.11.2018. Execution already stood satisfied. The lease was for three years. After expiry of lease period, the property has to be re-advertised for the purpose of leasing to the prospective lessee. Petitioners have taken contradictory stand in para No.3 of the application filed under Order 9 Rule 13 CPC, where they state as under:-

“That the respondent had not been served in the case not they refused to accept the service of the summons, nor any process server met them to get their service effected and the applicant had procured wrong reports in connivance with the process server agency and obtained an exparte order of ejectment against the respondent.”

In fact, the petitioners being the defendants before the Tribunal had already filed written statement and they were regularly appearing through their counsel. The lis has already been put to an end and even the execution has been fully satisfied after delivery of possession in favour of respondent-Wakf Board. If petitioners are interested in the property they may participate in fresh process of lease as and when the same is contemplated by respondent-Wakf Board in accordance with law.

For the reasons recorded herein above, this revision petition is dismissed.

November 22, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No