

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

Civil Revision No.92 of 2020

Date of Decision:13.1.2020

Inderjit

...Petitioner

Versus

Hardev Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sudhir Paruthi, Advocate
for the petitioner

RAJIV NARAIN RAINA, J. (ORAL):

This petition has been filed under Article 227 of the Constitution of India, against the order dated 29.10.2019, passed by Additional Civil Judge (Sr.Divn.), Jalandhar, whereby objections filed by the petitioner under Section 47 of the Code of Civil Procedure have been dismissed.

This petition has been filed in an act of desperation in the face of decree of eviction from the suit property. The defendant has been claiming to be a tenant under the plaintiff. Even the decree being in favour of the tenant, he is still not a title holder in a suit for possession by the owner of the property.

The Court has returned a finding that the defendant is not a tenant and such assertion is still made before this Court in the present revision. The finding of the Court is final with the decree and cannot be looked into in execution proceedings to go behind the decree. The defendant had every opportunity to lead his evidence in the affirmative that he was a tenant and assuming that even if he was successful in establishing

that he was a tenant then also I would not have interfered because of the decree having attained finality as it would be unfair to even contemplate issuing notice to the opposite side on a suggestion made as a last measure to grant reasonable time to vacate the premises. That prayer is declined.

No ground is made out to interfere in the impugned order.

The petition is accordingly dismissed.

January 13, 2020

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No