

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

107

**Civil Revision No.2490 of 2020
Decided on : 10.11.2020**

Gurdial Singh (Deceased) through his LRs and another ... Petitioners

Versus

Sohan Singh (Deceased) through his LRs and others ... Respondents

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present : Mr. Jagram Singh Cooner, Advocate
for the petitioners.

(The proceedings are being conducted through
video conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petition has been filed under Article 227 of the Constitution of India challenging the order dated 26.10.2020 (Annexure P-7) whereby the executing Court has issued fresh warrant of possession while rejecting the application dated 20.10.2020 (Annexure P-4) for staying the execution proceedings and recalling the earlier order dated 20.11.2019 (Annexure P-5).

Vide the said order the executing Court has noticed that objection has not been filed by the judgment-debtor and only the defence taken was that the SLP had been filed before the Apex Court. Resultantly, warrant of possession had been issued for 10.01.2020. Vide order dated 26.10.2020 (Annexure P-7) further proceedings as such are being carried out.

It is to be noticed that the SLP against RSA No.1665 of 2018

titled as **Gurdial Singh (deceased) through his LRs etc. Vs. Sohan Singh (deceased) through his LRs**, decided on 01.05.2019, was dismissed on 09.12.2019, filed by the present petitioners (Annexure P-3).

The only ground which has been taken is that review application has been filed which is yet to be listed and therefore, the impugned order has been challenged on this ground.

A perusal of the paper-book would go on to show that the Additional District Judge, Ambala had allowed the appeal of the respondents and directed the petitioners to hand over the vacant possession of the suit land within two months from the date of judgment dated 29.01.2018 (Annexure P-1). The said decision had been upheld by this Court vide Annexure P-2 and thereafter had also been upheld by the Apex Court (Annexure P-3). Once the litigation as such had been finalized, mere filing of the review application in the absence of any stay, would not warrant the execution proceedings to come to the stand as contended.

The order of the executing Court thus does not suffer from any ambiguity since it was noticed by the executing Court that there is no stay order by the Apex Court and there is no stay on executing proceedings and resultantly, it declined the application while issuing fresh warrant of possession.

The respondents are entitled for the fruits of the litigation which they had initiated, as the dispute pertains to a Will dated 01.03.1966. The trial Court had declined the relief on 19.01.1994 which

was later allowed by the Additional District Judge. It is thus apparent that the present petitioners are only trying to delay the execution proceedings and the impugned order as such is not suffering from any ambiguity which would require a re-look under the supervisory jurisdiction of this Court.

Resultantly, the present revision petition is dismissed.

10.11.2020

Parveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No