

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

127

**CR No. 543 of 2021
Date of decision : 12.3.2021**

Sandeep Sahni and another

.....Petitioners

Vs.

Rai Bahadur Sewak Ram Trust Society and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Suvir Kumar, Advocate, for the petitioners

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 17.3.2020 (Annexure P-23), passed by the Civil Judge (Senior Division), Pathankot, vide which the Executing Court has declined to stay the execution of ejectment order, passed by the trial Court on 7.10.2016 (Annexure P-1) and has issued warrants of possession; and the executing Court has also subsequently issued orders dated 10.7.2020 (Annexure P-28) and dated 10.12.2020 (Annexure P-29), vide which fresh warrants of possession have been issued. Further prayer of the petitioner is to stay the operation of the impugned orders till the final disposal of the appeal by the Appellate Authority.

It is submitted by the counsel for the petitioner that on the one hand; the Executing Court is proceedings for dispossessing the petitioner from the premises in question by executing the order passed by the Rent Controller and, on the other hand, the appeal filed by the petitioner way back in the year 2018, has not been decided by the Appellate Authority. Hence, it is submitted

by the counsel that if the petitioner is dispossessed from the property in question without decision upon the appeal filed by the petitioner; then he would be facing adverse consequence without being properly heard. Hence, till the Appellate Authority decides the appeal filed by the petitioner, dispossession be stayed.

Keeping in view of the order to be passed disposing of the petition, it is not considered appropriate to issue notice to the other side. The petition is taken up for final hearing.

Having considered the arguments of the counsel for the petitioner and having perused the paper book, this Court finds substance in the argument of the counsel for the petitioner. It is in the interest of justice that the Appellate authority be directed to take a final decision upon the appeal filed by the petitioner; and till then eviction of the petitioner from the premises in question be stayed.

Accordingly, the present petition is disposed of with a direction to the Appellate Authority to decide the appeal filed by the petitioner, within a period of 3 months, from the date of receipt of certified copy of this order. It is further ordered that till the appeal filed by the petitioner is decided by the Appellate Authority, the dispossession of the petitioner qua the property in dispute shall remain stayed.

(RAJBIR SEHRAWAT)
JUDGE

12.3.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No