

**CR-2906-2018 (O&M)
and connected case**

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**122+269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CR-2906-2018 (O&M)

Sh.Surinder Singh

....Petitioner

Versus

Sh.Kulwant Singh and another

..Respondents

2.CR-7994-2019 (O&M)

Sh.Surinder Singh

....Petitioner

Versus

Sh.Kulwant Singh deceased through LRs and another

..Respondents

Date of decision: 23.08.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurcharan Dass, Advocate for the petitioner
in both the revision petitions

Mr. Ashish Gupta, Advocate

Mr. Rakesh Gupta, Advocate for respondent no.2
in CR-2906-2018

Mr.Vikas Kumar, Advocate for respondent no.2
in CR-7994-2019

ANIL KSHETARPAL, J (Oral)

By this order, two civil revision petitions i.e CR-2906-2018
and CR-7994-2019 shall stand disposed of.

In a third party objections, an application filed for framing
of issues has been dismissed. The correctness of the aforesaid order has
been challenged in CR-2069-2018, whereas, in CR-7994-2019, the

challenge is to the order passed by the Executing Court while dismissing his objection petition.

Some facts are required to be noticed.

Sh.Kulwant Singh filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking ejectment of Sh.Sukhwinder Singh s/o Late Sh.Nihal Singh from property bearing no.143, Street No.2, Mohalla Gobindsar, Ludhiana. After filing the written statement Sh.Sukhwinder Singh stopped appearing. The Rent Controller assessed the provisional rent, however, Sh.Sukhwinder Singh did not tender the same. Consequently, the order of eviction was passed within four months from the date of institution of the proceedings. When execution petition was filed by Sh.Kulwant Singh, objections were filed by Sh.Surinder Singh s/o Sh.Ajit Singh. He claims that the order of eviction is collusive and Sh.Sukhwinder Singh never remained in possession. Sh.Sukhwinder Singh claimed that he is in possession of the suit property since 2009 under Smt. Bachan Kaur. During the pendency of the eviction petition, Sh.Surinder Singh filed an application with a prayer to frame issues and grant him an opportunity to lead evidence to prove his objections. The court has refused to frame the issue on the ground that such objections can be decided without framing the issues. In order to show, prima facie, that Sh.Kulwant Singh and Sh.Sukhwinder Singh have colluded, the petitioner has produced a copy of surety bonds furnished by Sh.Sukhwinder Singh when Sh.Kulwant Singh and his family members were granted bail in a criminal case lodged by the petitioner's wife. Similarly, other documents have also

been placed on file. In these circumstances, the petitioner has produced some material which, prima facie, substantiates his objections. In such circumstances, it was incumbent upon the court to grant an opportunity to the petitioner to prove his objections.

Consequently, the order dated 17.04.2018 under challenge is set aside. Let the Executing Court frame issues on the objections filed by the petitioner and permit him to lead evidence by granting him two opportunities. The decree holder shall also be given two opportunities to lead counter evidence. Let the objections be decided within a period of six months.

Since the objections are required to be redecided after permitting the petitioner to lead evidence, therefore, CR-7994-2019 stands allowed. The Executing Court shall redecide the objection petition after analyzing the evidence led.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

23.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)
JUDGE**