

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

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**CR-594-2022
Decided on : 17.05.2022**

Savinder Singh

. . . Petitioner(s)

Versus

Manjit Singh and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gursimran Singh Madaan, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India, to impugn the order dated 02.12.2021 (Annexure P-11), passed in the Execution proceedings titled as, “Manjit Singh Vs. Balwinder Singh”, dated 20.04.2019, registered as Ex.No. 234 of 2019, which is pending before the Civil Judge (Jr. Divn.), Chandigarh, vide which the learned Execution Court has wrongly & illegally issued warrants of possession of the property in dispute.

Learned counsel for the petitioner submits that since the impugned order dated 02.12.2021 (Annexure P-11), was passed by the executing Court behind the back of the petitioner without affording due opportunity of hearing to him, it had caused him great prejudice. Learned counsel further submits that the lower Appellate Court stayed the execution proceedings during the pendency of the appeal, preferred by the petitioner, which was subsequently dismissed by it on 22.11.2021. The executing Court adjourned the execution proceedings on 27.10.2021 to 19.01.2022 for awaiting the orders of the Appellate Court. However, after the dismissal of the appeal on 22.11.2021, the respondents/decreed-holder intentionally with an oblique motive filed an application before the executing Court for issuance of warrants of possession and warrants of attachment on 01.12.2021 i.e. much prior to the actual date fixed in the execution proceedings.

Learned counsel further submits that the petitioner remained

under the impression that the next date of hearing before the executing Court was 19.01.2022, however, since the impugned order was hastily passed behind his back, he was deprived of his right to file objections and contest the execution proceedings.

I have heard learned counsel for the petitioner and perused the relevant material on record.

Admittedly, the appeal preferred by the petitioner against the judgment and decree dated 13th March, 2019, passed by the learned trial Court was dismissed on 22.11.2021 by the lower Appellate Court. Therefore, after 22.11.2021, there was no stay operating on the execution proceedings and the respondents/decreed-holder thus had every right to pursue execution of the judgment & decree dated 13.03.2019.

Still further, a perusal of the impugned order dated 02.12.2021 (Annexure P-11) and other material reveals that the petitioner/judgment debtor, was proceeded against *ex-parte* vide order dated 15.10.2019. In the circumstances, there was no occasion for the executing Court to put the petitioner on notice before issuing warrants of possession and warrants of attachment.

As a sequel to the above, the impugned order dated 02.12.2021 (Annexure P-11), warrants no interference of this Court.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

May 17, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*