

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

123

CR-1942-2022 (O&M)
Date of decision: 17.05.2022

Ravinder Kumar @ Ravi Kumar

.....Petitioner

Versus

Satish Kumar and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishnu Dutt, Advocate for the petitioner.

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 28.03.2022 vide which an application filed by the petitioner (judgment debtor) for recalling of orders (Annexures P-3 and P-4), was dismissed.

Learned counsel for the petitioner (judgment debtor) *inter alia* contends that the Court below gravely erred in passing the orders dated 04.01.2020 and 03.02.2020 (Annexure P-3 and P-4) vide which the warrants of possession were issued and the bailiff was directed to break the lock and thereafter deliver the possession of the property in question to the respondent (decree holder) in Execution Petition bearing No.EX/752/2019 titled as 'Satish Kumar Vs. Mirza Afzal Beg and another'. He submits that thereafter an application was moved before the Court of Civil Judge Junior Division, Ludhiana for recalling the aforementioned two orders which was erroneously dismissed by the Court concerned vide impugned order dated 28.03.2022 without appreciating that the petitioner (judgment debtor) had impugned the order by way of an appeal qua his eviction from the demised premises

consisting of one hall, two small rooms on first floor forming part of property No.882, situated at near Division no.3, Gau Shala Road, Ludhiana.

I have heard learned counsel and perused the impugned order as well as other relevant material on record.

The respondent (decree holder) filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act against the present petition (judgment debtor) and the proforma respondent seeking his ejectment from the demised premises on the ground of personal necessity. The aforementioned petition was contested by the petitioner (judgment debtor), however, on the basis of material and other evidence led, the Rent Controller, Ludhiana vide judgment and decree dated 26.09.2019 (Annexure P-1) ordered eviction of the petitioner (judgment debtor). No doubt, the petitioner (judgment debtor) did prefer an appeal against the judgment and decree before the appellate authority at Ludhiana, however, it is a matter of record that the order of the Rent Controller, Ludhiana was not stayed by either the appellate authority or any other superior Court. In the circumstances, once there was no stay operating in favour of the petitioner (judgment debtor), the Executing Court rightly issued warrants of possession and directed the bailiff to deliver the possession of the demised premises to the respondent (decree holder) (Annexures P-3 and P-4) by breaking open the locks. A perusal of the impugned order further reveals that a detailed report of the bailiff was produced before the Executing Court wherein he stated that without police help it would not be possible for him to deliver the possession of the demised premises to the respondent (decree holder).

Hence, the Court concerned, after taking into consideration the report of the bailiff as well as the statement suffered by the decree holder in the Court, rightly allowed the application for police help and vide order dated 03.02.2020 (Annexure P-4), the bailiff was granted liberty to break upon the lock and deliver the possession of the property in dispute to the decree holder.

This Court, in the aforementioned circumstances, is not inclined to invoke its inherent jurisdiction under Article 227 of the Constitution of India. Accordingly, the present petition being devoid of any merit is dismissed.

17.05.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No