

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

Sr. No.118

CR No.4543 of 2022

Date of Decision: 18.10.2022

Rajinder Kumar @Rajinder Paul
@ Rajinder Kumar Rana

.... Petitioner

Versus

BBMB and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Munish Gupta, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 01.09.2022 (Annexure P-10) vide which objections filed by the petitioner in execution petition have been dismissed, and also the order dated 01.10.2022 (Annexure P-11) by which warrants of possession have been issued, despite there being interim order dated 26.09.2022 (Annexure P-7) passed by this Court in CWP No.17647 of 2016.

2. It is apparent on record that this Court vide interim order dated 26.09.2016 (Annexure P-6) stayed dispossession of the petitioner from the property in question, and subsequently, continued the stay vide order dated 26.09.2022 (Annexure P-7).

3. Learned counsel contends that despite the continuation of interim stay order by this Court on 26.09.2022, the Executing Court has proceeded to issue warrants of possession with respect to the property in question by order dated 01.10.2022.

4. Once interim order staying dispossession of the petitioner from the property in question is granted by this Court, the Executing Court is mandated not to proceed with execution of the impugned order and/or issue warrants of possession in respect thereof. Therefore, the impugned order dated 01.10.2022 is set aside and it is directed that execution proceedings shall remain stayed till the final decision of the writ petition bearing CWP No.17647 of 2016.

5. Petition stands allowed.

(TRIBHUVAN DAHIYA)
JUDGE

18.10.2022
Maninder

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