

2023:PHHC:144267
**147 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

ESA-3-2023 (O&M)
Date of decision: 14.11.2023

Rahul @ Rohit Kalra

....Appellant

Versus

Anil Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Shikhar Kataria and
Mr. Vikas, Advocates for
Mr. Partap Singh, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. On 15.04.2015, the court of Rent Controller ordered eviction of the tenant-Vinod Kumar, which, in appeal, was affirmed by the appellate authority on 17.07.2017. The execution petition for implementation of the aforesaid order of eviction is pending. The appellant claims that he is in possession of the property pursuant to an agreement to sell from the sister of the landlord. On the other hand, it is the stand of the decree-holder/landlord that the appellant, in collusion with the judgment debtor, is trying to delay the delivery of the possession. Both the courts have found that the appellant has not produced any document for showing his possession over the shop in dispute since 2007-08. The appellant claims the property on the basis of the agreement to sell dated 05.02.2018, however, there

is no sale deed in favour of the appellant. Hence, no ground to interfere is made out.

2. Dismissed.

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

14.11.2023

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No