

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 7140 of 2018 (O&M)****Date of Decision: 22.09.2023**

Bhupinder Singh (Since Deceased) through his Legal Representatives

... Petitioner(s)

Versus

Inderjit Walia

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Anil Kumar Garg, Advocate
for the petitioner(s).Mr. Vishal Aggarwal, Advocate
for the respondent.**Anil Kshetarpal, J.****CM-7790-CII-2022**

1. In view of the prayer made in the application, which is supported by an affidavit, the same is allowed, subject to all just exceptions.

The proposed legal representatives, named in para 2 of the application, are the Class-I heirs of petitioner-Bhupinder Singh, who is stated to have died on 16.04.2022. They are permitted to be brought on record as the legal heirs of the petitioner-Bhupinder Singh, for the purpose of prosecuting the present revision petition.

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2. The petitioner before this Court is a judgment debtor. The petitioner's objection petition in the execution petition has been dismissed by the court vide order dated 24.09.2018. The correctness of the aforesaid

order has been challenged in this revision petition. It would be noted here that the Rent Controller ordered the ejectment of the petitioner vide judgment dated 19.08.2006. He was directed to handover the possession of the rented premises within a period of two months.

3. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper book.

4. The learned counsel representing the petitioner contends that the *ex parte* eviction order was passed by the Rent Controller without granting any opportunity of hearing to the petitioner. He submits that the petitioner was never served in the aforesaid proceedings decided by the Rent Controller. He further submits that a separate application under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”) to set aside the *ex parte* ejectment order was dismissed by the court on the said date i.e. 24.09.2018 against which the appeal filed by the petitioner is pending.

5. On the other hand, the learned counsel representing the decree holder submits that the execution of the ejectment order has already been delayed by the petitioner for a period of 17 years. However, the learned counsel representing the petitioner submits the execution petition was filed after a period of six years.

6. This Court has considered the submissions. The Executing Court is required to execute the ejectment order. Moreover, the petitioner can file an application for the grant of interim protection before the First Appellate Court, however, the Executing Court is not expected to keep the proceeding in the execution petition in abeyance because an appeal against

the dismissal of the application under Order IX Rule 13 CPC is pending.

7. Keeping in view the aforesaid facts, no ground is made out to interfere . Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

September 22, 2023
“DK”

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