

CR-952-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-6950-CII-2023 in/and
CR-952-2023 (O&M)

Date of decision: April 26, 2023

Jagdish Satish and Company and another

....Petitioners

Versus

Amit Kumar and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:** Mr. B.B. Bagga, Advocate for applicant-respondent No.1.

None for non-applicant-petitioners.

ARUN MONGA, J. (ORAL)**CM-6950-CII-2023**

This is an application for vacation of status quo order dated 10.02.2023 passed by this Court.

2. Despite advance service of the application, none appears for non-applicant-revisionist. Instead of rendering piecemeal decision on the application vis-à-vis revision petition, it is deemed appropriate that revision petition itself is heard. Main case is taken on Board for hearing today itself. Next date fixed in main case i.e., 03.07.2023, stands cancelled.

3. Registry to do the needful.

Main case (O&M)

Petition herein is for setting aside impugned order dated 03.01.2023 (Annexure P-7) passed by learned Civil Judge (Junior Division), Chandigarh whereby objection filed by revisionist has been dismissed, and further to set aside order dated 01.02.2023 (Annexure P-9) passed by learned Executing Court

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whereby warrants of possession were issued and bailiff was directed to break open the locks, if premises were found locked.

2. The revision petition is premised on the averments that respondent No.1 herein-landlord filed a petition against revisionists and pro forma respondent No.2 (tenants) seeking their eviction from demised property. Learned Rent Controller allowed the said petition vide order dated 18.07.2022 (Annexure P-2). Respondent No.1-landlord filed execution petition to get eviction order executed. Tenants filed an objection petition challenging executability, satisfaction and discharge of eviction order/ judgment dated 18.07.2022. Objection petition was dismissed vide impugned order dated 03.01.2023 (Annexure P-7) and ordered issuance of warrants of possession.

3. This Court vide order dated 10.02.2023, while issuing notice of motion, ordered to maintain status quo *qua* property in question.

4. There is no representation on behalf of petitioners/tenants. I have heard learned counsel for respondent No.1-landlord and perused the case file.

5. After hearing learned counsel for respondent No.1, I am of the view that in order to meet ends of justice, interim order dated 10.02.2023 passed by this Court directing parties to maintain status *quo* shall continue to operate during pendency of appellate proceedings.

6. Revision petition is disposed of accordingly with an expectation from learned Appellate Authority that since on one hand appeal is seemingly being adjourned owing to pendency of present revision petition, which is now being disposed of, on the other hand, learned counsel for respondent No.1-landlord submits that tenants are not even using the premises in question and have abandoned the same since 2017 and are speculatively pursuing the appeal to await outcome of appellate proceedings. Be that as it may, learned Appellate Authority

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shall proceed with the matter as expeditiously as possible without granting unnecessary adjournments.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

April 26, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No