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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1709-2022 (O&M)
Date of decision : 01.06.2023

Mohinder Pal & Ors. ... Petitioner(s)

Versus

Sarbjit Dhalla ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mayank Mathur, Advocate for the petitioners.

Mr. Yogesh Goel, Advocate,
Mr. Lakshay Goel, Advocate and
Mr. Mohit Singh, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India impugning the orders dated 04.02.2022 and 01.04.2022 passed by the Executing Court whereby warrants of possession have been issued.

2. On 24.05.2022 the following order was passed :

“Learned counsel for the petitioners would contend that warrants of possession have been issued vide impugned order dated 04.02.2022 (Annexure P-9). He has further contended that a review petition was filed by the petitioners under Section 38 of the Punjab Rent Act,

1995 which has not been decided so far. It is further contended that as per Section 38(7)(e) of the Punjab Rent Act, 1995 any application which is filed for review is to be disposed off within 7 days of filing and the review petition in the present case has been pending since 24.11.2021.

Notice of motion returnable 20.10.2022.

Meanwhile, dispossession of the petitioners shall remain stayed.”

3. Learned counsel for the respondent has very fairly stated that the present revision petition may be disposed off with a direction to the Rent Controller to decide the review application which is pending under Section 38 of the Punjab Rent Act, 1995 in a time bound manner and till decision of the said review application, the warrants of possession may be kept in abeyance.

4. Learned counsel for the petitioner states that he would be satisfied with the said arrangement.

5. In view of the above, the present revision petition is disposed off with a request to the Rent Controller to decide the review application, in accordance with law, on the next date of hearing provided both the counsel for the parties cooperate. The application has been pending since 24.11.2021 and as per Section 38(7)(e) of the Punjab Rent Act, 1995 any application for review is to be disposed off within 7 days from its filing. This Court is

sanguine that the Rent Controller would decide the application expeditiously, preferably on the date fixed, keeping in view the mandate of the law. Till such time, warrants of possession shall remain in abeyance.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

01.06.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO