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

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Decided on : 18.07.2023

Rakesh Malik

... Petitioner(s)

Versus

Arun Kumar Seth Through LRs and Ors.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Saleem Malik, Advocate
for the petitioner(s).

Mr. Rai Singh Chauhan, Advocate
for respondents No. 1(i), (ii) & (iii).

SANJAY VASHISTH, J. (Oral)

1. Petitioner has filed present revision petition before this Court, for seeking direction to Ld. Appellate Court to decide the appeal bearing CNR No.PBPO010020242023, CIS No. CMA/31/2023, titled as, “Arun Kumar now deceased through LRs Promila Seth & Ors. Vs. M/s Ram Dass & Sons” (P-7), within a time-frame manner, and also prayed for stay of the operation of the order dated 22.05.2023 (P-6), passed in the execution application by the Court of Ld. Rent Controller, Pathankot.

2. Mr. Rai Singh Chauhan, Advocates, puts in appearance on behalf of respondents No.1(i), (ii) & (iii) and files his *Vakalatnama* in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

3. Mr. R.S. Chauhan, Advocate, while appearing on behalf of respondents No.1(i), (ii) & (iii)/landlord, submits that conduct of the petitioner is not fair, because he being third party having some ill-will to

grab the property, and thus, has created a situation to drag the answering respondents (landlord) again in the litigation for endless period.

4. Learned counsel for respondents No.1(i), (ii) & (iii) has pointed out that an application for ejectment by respondents No.2 to 4 was instituted in the year 2014, and vide judgment dated 17.12.2018, eviction order was passed by granting two months time to the respondents to vacate the premises.

5. The eviction petition was filed by the landlord on the ground of *bona fide* necessity.

6. Learned counsel for respondents No.1(i), (ii) & (iii) further submits that on issuance of the warrants of possession when bailiff visited the spot, possession could not be handed-over to the answering respondents for the reason that by that time, petitioner herein (third party), was inducted as a possessee of the property.

7. Thereafter, petitioner herein (third party) filed the objections on 21.03.2023 in the execution proceedings, which were dismissed vide order dated 22.05.2023 (P-6). It is thereafter, that petitioner has filed the appeal bearing No. CNR No.PBPO010020242023, CIS No. CMA/31/2023. Said appeal was instituted on 17.06.2023/07.07.2023 before the Ld. Appellate Authority at Pathankot, established under the Rent Act.

8. Now, after filing of the said appeal, only a week back, petitioner has approached this Court by way of present revision petition for seeking direction to the Appellate Court to decide his appeal at the earliest. It is informed by Mr. R.S. Chauhan, learned counsel for respondents No.1(i), (ii) & (iii) that even no notice in regard to the pendency of the said appeal has been received by the answering respondents (landlord), and therefore, during

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the pendency of the execution proceedings, acknowledging the filing of present petition before this Court, he has put in appearance to oppose the prayer of the petitioner.

9. I have heard learned counsel for the parties and examined the record appended with the present revision petition.

10. Even, petitioner is unable to satisfy this Court as to for what reason, Ld. Appellate Court be directed to decide the aforesaid appeal, which has been filed before it only few days back. No special circumstances are even highlighted.

Therefore, finding no merit/substance in the submissions addressed by learned counsel for the petitioner, **present revision petition stands dismissed.**

It is, however, made clear that nothing mentioned herein-above would be construed as an observation on any factual aspect of the merits of the case.

(SANJAY VASHISTH)
JUDGE

July 18, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*