

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-4343-2023

Date of Decision : 02.08.2023

Neeraj Malhotra

.....Petitioner

Versus

Jaswant Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Surjit Singh Swaitch, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been preferred by the petitioner/tenant impugning the order dated 26.07.2023 passed by the Court of learned Additional Civil Judge (Senior Division), SAS Nagar (Mohali) whereby warrants of possession have been directed to be issued in favour of the decree holder with the permission to the bailiff to break open the locks of the rented premises.

2. Learned counsel for the petitioner, inter alia, contends that the appeal along with an application for stay has been filed against the eviction order dated 16.11.2022 passed by learned Rent Controller, SAS Nagar (Mohali) in which notice has been issued to the respondent/landlord and is pending for consideration on 16.08.2023. He further submits that the petitioner/tenant has also filed an application before the Appellate Authority for preponing the date of hearing from 16.08.2023 to an early date for disposal of the appeal in view of the

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impugned order passed by learned Rent Controller in the execution proceedings. He further submits that the purpose of filing the appeal would be frustrated in case the warrants of possession are executed. He also submits that appropriate directions may be issued to learned Appellate Authority to consider and decide the stay application/appeal at the earliest.

3. Notice of motion.

4. Mr. Susheel Gautam, Advocate has put in appearance on behalf of the respondent and filed his power of attorney which is taken on record.

5. Learned counsel for the respondent has no objection, if appropriate directions are issued to learned Appellate Authority to consider and decide the stay application/appeal filed by the petitioner/tenant at the earliest.

6. I have heard learned counsel for the petitioner and perused the relevant record.

7. In view of the position noted above as well as the no objection given by learned counsel for the respondent, it would be appropriate to issue directions to learned Appellate Authority to consider and decide the stay application/appeal filed by the petitioner/tenant on 16.08.2023 or within a period of one month from today.

8. It is made clear that the counsel for the parties shall not take any unnecessary adjournments before the Appellate Authority.

9. Warrants of possession issued vide impugned order dated

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26.07.2023 shall remain stayed till the disposal of the stay application/appeal filed by the petitioner/tenant. Further action on the warrants of possession would depend upon the outcome of orders passed on the stay application/appeal filed by the petitioner/tenant.

10. With the abovesaid directions, the instant revision petition is disposed of.

02.08.2023
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No