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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : September 22, 2023

AJAY KUMAR

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Arun Gupta, Advocate for
Mr. Arjun Atri, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner becomes aggrieved from the issuance of warrants of possession against his estate. The above warrants of possession are carried in Annexure P-5.

2. It appears that the warrants of possession have been issued in pursuance to conclusive and binding verdict(s) of eviction becoming rendered against the present petitioners. Apart therefrom, it also appears, that a motion challenging the verdict(s) of eviction is subjudice before the competent authority.

3. Since no affirmative order has been made on the application claiming relief for staying the operation of the impugned verdict(s) of eviction, thus thereby, the decree holder(s) concerned chose to move an application for execution of the said decree(s) of eviction, and, which resulted in the issuance of Annexure P-5.

4. Though in the wake of no relief, on the application (supra) moved before the statutory authority concerned, appears to have been granted, thereby the learned executing court concerned, was well empowered to ensure the execution of

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the unstayed decree(s) of eviction, as became passed against the present petitioner.

5. Be that as it may, even if no relief on the relevant application claiming staying of the operation of the verdict(s) of eviction has been passed, yet if ultimately the present petitioner succeeds in the relevant statutory motion, thereupon, in case the learned executing court concerned proceeds to, ensure the execution of the warrants of possession, and thereby ensures the delivery of possession of the disputed lands to the decree holder(s) concerned, thereupon, there would be avoidable multiplicity of litigation, thus leading to the judgment debtor(s) concerned moving an application for restitution of possession to him thus of the lands, whose possession through execution of Annexure P-5, rather became delivered to the decree holder(s) concerned.

6. Therefore, in the larger interest of justice, the operation of Annexure P-5 is stayed, but, only till the competent authority proceeds to make a lawful speaking decision on the application claiming relief for staying the execution of Annexure P-5. It is clarified that the decision on the said application, be made within two weeks from today, but, after hearing all affected persons concerned. Moreover, the relevant authority concerned is also directed to most expeditiously within two months from today, draw a speaking decision on the relevant motion, as preferred at the instance of the present petitioner, thus challenging the verdict(s) of eviction passed against the present petitioner.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

September 22, 2023
devinder

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