

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CR-6519-2023 (O&M)
Date of Decision:06.11.2023

Ravi Parshad (since deceased) through his LRs

...Petitioner(s)

Versus

Smt. Gunjan Banga

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate;
Mr. Shivjot S. Modgil, Advocate for the petitioner(s).

HARKESH MANUJA, J. (oral)

1. By way of the present revision, challenge has been made to an order dated 10.10.2023 (Annexure P-7) passed by the Executing Court in Execution No.18/2021 titled as 'Gunjan Vs. Ravi Prashad through LRs' thereby warrants of possession qua demised premises have been issued in favour of the respondent-landlord.

2. Briefly stating, the order dated 14.05.2019 came to be passed against petitioner-tenant by the Rent Controller in a rent petition filed at the instance of respondent-landlord. Aggrieved thereof, an appeal was preferred, however, the same got dismissed vide order dated 17.02.2021 passed by the Appellate Authority.

3. Learned counsel for the petitioner(s) submits that the aforementioned orders were assailed by the petitioner(s) by way of CR-1151-2021, however, the same got dismissed for non-prosecution vide order dated 15.07.2022 on account of non-appearance on behalf of the petitioner(s). In the meanwhile, the respondent-landlord sought execution of the eviction orders, whereas the petitioner-tenant filed an application for restoration of CR-1151-2021 and the same is now listed for 18.01.2024, there being no interim protection in their favour. In a separate but a related development, the Executing Court has issued warrants of possession qua the demised premises vide its order dated 10.10.2023. In this view of the matter, learned counsel submits that till outcome of restoration application, impugned order be stayed.

4. I have heard the learned counsel for the petitioner-tenant(s) and gone through the paper-book.

5. In the present case, there being no interim protection granted by this Court in CR-1151-2021, the same having been dismissed for non-prosecution and the application seeking its restoration being pending for 18.01.2024, grant of any interim order qua the issuance of warrants of possession would result in interference with the proceedings in the Civil Revision.

6. In view of the discussions made herein above, finding no illegality or perversity in the order dated 10.10.2023 (Annexure P-7) passed by the Executing Court in Execution No.18/2021 titled as 'Gunjan Vs. Ravi Prashad through LRs', while issuing warrants of

possession qua the demised premises based on the eviction orders passed by the authorities below, the present revision petition is dismissed.

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

06.11.2023
Mangal Singh

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No