

In the High Court of Punjab and Haryana, at Chandigarh**Execution Second Appeal No. 61 of 2023 (O&M)****Date of Decision: 07.12.2023**

Kulwinder Pal Singh

... Appellant(s)

Versus

Ajit Singh Dhillon and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vibhu Agnihotri, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The appellant herein is the judgment debtor's husband. In a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as "the 1949 Act"), the petitioner's wife was ordered to be evicted on 23.08.2019. She filed an appeal, which was also dismissed. Thereafter, she filed the revision petition in this High Court wherein she was granted nine months' time to vacate the premises. In order to delay the execution of the decree, the petitioner filed an objection petition claiming that his family is in possession of the property from the year 1992 and the then owner had executed an agreement to sell in his favour in the year 1995. It is submitted that a suit for specific performance of the agreement to sell has been filed in the year 2018 i.e. after a period of 23 years from the date of the agreement to sell.

2. The Court below has held that similar objection petition filed by Bhupinder Kaur was dismissed. It has been found that Bhupinder Kaur

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failed to pay ₹34,67,900- as rent of the premises. It is evident that the petitioner is only interested in prolonging his possession by delaying the execution of decree.

3. Moreover, both the Courts below, namely the Executing Court as well as the First Appellate Court have already examined the matter and found no substance therein.

4. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders. Hence, the present appeal is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

December 07, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No