

2024:PHHC:047015
**136 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

ESA-10-2023 (O&M)
Date of decision: 05.04.2024

Sukhchain Singh and another

....Appellants

Versus

Darshan Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Amit Jain, Sr. Advocate with
Mr. Chetan Slathia, Advocate for the appellants

Mr.Rajiv Atma Ram, Sr. Advocate with
Mr. Sandeep Kumar,
Mr. Amitjit Singh Narang, Advocates
for the respondent no.1 to 3

Mr. Vikas Chatrath, Advocate
respondent no. 4 to 6

ANIL KSHETARPAL, J (Oral)

1. This is the execution second appeal against the concurrent orders passed by the Executing Court, which in appeal have been affirmed by the appellate authority while dismissing the appellant's objection petition.

2. The respondents herein filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as '1949 Act') against the Punjab State Electricity Board, which was allowed on 18.11.2009. In order to implement the aforesaid ejectment order, an execution petition was filed on 14.06.2010. In the first instance, Deep Motors filed objections, which were dismissed on 19.03.2013. Thereafter, the appellants namely Sukhchain Singh and Bohar Singh filed objection petition claiming that the property in dispute

was allotted to them by the Government in the year 1980. Both the courts have held that the appellants have failed to prove the existence any conveyance deed or examine any official to prove the authenticity of the aforesaid allotment letter. Moreover, Bohar Singh-appellant no.2 filed an injunction suit, which has been dismissed not only by the trial court but also affirmed in appeal.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. Learned counsel representing the appellants contends that the respondents have not produced any evidence to prove their title.

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. The appellants had filed objection petition. They are claiming right, title or interest in the property. They are required to prove their title in order to defeat an ejectment order passed in favour of the respondents by a competent court. The onus lays upon the appellants. Ultimately, they have failed to discharge the aforesaid onus.

7. Keeping in view the aforesaid facts, no ground to interfere is made out.

8. Hence, dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

05.04.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE