

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

120

CR-1238-2024 (O&M)

Date of decision:01.03.2024

Amit Sharma & another

... Petitioners

Vs.

Jagbir Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Anupam Bhardwaj, Advocate for the petitioners.

...

SUKHVINDER KAUR, J. (ORAL).

1. Instant revision petition has been filed for setting aside the order dated 20.01.2024 (Annexure P-3), whereby warrants of possession were issued by the Executing Court in terms of judgment dated 19.10.2023 (Annexure P-1) during the pendency of the appeal before the Additional District Judge, Amritsar. A further prayer has been made for directing the Appellate Court to decide the appeal as well as stay application filed against the impugned judgment.

2. Brief facts which are relevant for adjudication of the present revision petition are that the respondent filed an application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for ejectment of the petitioners from the demised shop in question. Vide order dated 19.10.2023 passed by the Rent Controller, Ajanala, the said ejectment petition filed by the respondent was allowed. Aggrieved of the said order, petitioners filed an appeal along with a stay application before the Appellate Authority, Amritsar, which is still pending adjudication and is now fixed for hearing on

13.03.2024. In the meantime, the Executing Court passed order dated 20.01.2024, whereby warrants of possession have been ordered to be issued of property in question, without issuing any notice to the petitioners. Hence, the petitioners have knocked the doors of this Court by way of filing of the present revision petition for setting aside the impugned order dated 20.01.2024 passed by the Executing Court regarding issuance of warrants of possession of the property in question and for directing the Appellate Court for expeditious disposal of the appeal as well the stay application filed by the petitioners.

3. It has been contended by learned counsel for the petitioners that as the order dated 19.10.2023 passed by the Rent Controller, Amritsar is already under appeal before the Appellate Authority and is still pending for adjudication, so if the impugned order dated 20.01.2024 passed by the Executing Court is allowed to be sustained, then the appeal filed by the petitioners would be rendered infructuous. However, during the course of arguments, learned counsel for the petitioners has submitted that he would be satisfied if a direction is issued to the Appellate Court to decide the stay application pending before it in a time bound manner.

4. Copies of the zimni orders passed in the appeal preferred by the petitioners before the Appellate Authority, have been produced on record. From the perusal of these orders it transpires that the appeal as well as the stay application filed by the petitioners is pending adjudication before the Appellate Authority.

5. So keeping all this in view, the Appellate Court is directed to decide the stay application of the petitioners/tenants expeditiously, in

accordance with law, after hearing both the parties, preferrably within a period of one month from the date of receipt of a copy of this order.

6. It is further directed that till the disposal of the stay application by the Appellate Court, the execution of the warrants of possession of the demised property as ordered vide order dated 20.01.2024 by the Executing Court shall be kept in abeyance.

7. Revision petition is disposed of in the aforesaid terms.

8. All pending applications, if any, also stand disposed of accordingly.

01.03.2024
harjeet

(SUKHVINDER KAUR)
JUDGE

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |