

126.

2024:PHHC:037879

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.1650 of 2024
Date of Decision: 15.03.2024

Jaswant Singh ... Petitioner

Versus

Jasdeep Singh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Harnoor Singh Sidhu, Advocate, for the petitioner.

GURBIR SINGH, J.

1. Challenge in this revision petition filed under Article 227 of the Constitution of India is to the order dated 29.02.2024 (Annexure P-5) whereby the objections filed by the petitioner in the execution petition have been dismissed.
2. Learned counsel for the petitioner has submitted that respondent filed an application for ejectment of the petitioner from the tenanted premises. The petitioner suffered a statement that he would comply with the conditions of rent and would pay Rs.25,000/- each in four installments and one installment of Rs.33,000/- in a time bound manner. After making the statement, counsel for the petitioner told that he need not to come to the Court as the matter stood resolved. The petitioner could pay only Rs.55,000/- but thereafter he suffered back problem and the arrears which the petitioner was liable to pay accumulated to the tune of Rs.1,20,000/-. It is further submitted that he is ready to pay the said amount

by way of installments. After filing of the execution petition, he came to know about the passing of the ex-parte eviction order dated 09.11.2023 and the Executing Court has passed the order to take possession from the petitioner by using police force. The petitioner immediately moved an application under Order 9 Rule 13 CPC for setting aside the ex-parte ejectment order. Without deciding the same, warrant of possession has been issued against the petitioner as per ex-parte ejectment order.

3. Learned counsel for the petitioner has relied upon ***Makhan Singh and others Versus Harbans Lal and another, Law Finder Doc Id # 812812***. He submits the court which has passed the ejectment order can stay its order in view of provisions under Order 21 Rule 26 CPC.

4. If notice of this petition is issued to the respondent, then it may cause financial burden upon him and may further linger on the decision of the case. So, notice to respondent is not issued.

5. The petitioner has already moved an application under Order 9 Rule 13 CPC and the same is pending before the learned Rent Controller. The counsel for the petitioner submits that his application under Order 9 Rule 13 CPC be decided in a time bound manner and till then, warrant of possession be kept in abeyance.

6. Taking into consideration that application under Order 9 Rule 13 CPC is pending and can seek stay of the execution during the pendency of the same, so interest of justice demands if application for stay already moved in proceedings under Order 9 Rule 13 CPC or if not already moved,

is moved within seven days, then the same be decided within a month, and warrant of possession, if not already executed, would be kept in abeyance for a period of two months from today.

- 7. Petition stands disposed of accordingly.
- 8. If respondent is not satisfied with this order, he is at liberty to file an application within 30 days for recalling this order.

(GURBIR SINGH)
JUDGE

March 15, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No