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

CR-3792-2024 (O&M)

Date of Decision: July 15, 2024

M/S PARKASH JEWELLERS

.....Petitioner

Versus

PARAMJIT KAUR

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. D.V. Sharma Senior Advocate with
Ms. Shivani Sharma, Advocate for the petitioner.

Mr. Harsh Kinra, Advocate for caveator-respondent.

HARKESH MANUJA, J. (ORAL)

In the present revision petition filed under Article 227 of Constitution of India, challenge has been laid to an order dated 04.07.2024 passed by the learned Civil Judge, Jalandhar-cum-Executing Court.

2. On 10.07.2024, the following order was passed:-

“By way of present petition filed under Article 227 of the Constitution of India, challenge has been laid to an order dated 04.07.2024 passed by the Executing Court, whereby fresh warrant of possession has been issued against the petitioner-tenant in pursuance to eviction orders passed against it. The operative part of order dated 04.07.2024 is extracted hereunder:-

‘Now, WOP be issued again with a direction to the bailiff to execute the same by allowing DH to provide demarcation, provide all the material for raising wall, bailiff will prepare inventory if JD is not ready to take all his material from the demised premises. Police is directed to remain present at the spot for execution of WOP. A separate letter be issued to concerned SHO with a direction to provide four police officials for execution of WOP. Copy of this letter be sent along with copy of WOP for compliance of order failing which the intimation against the bailiff will be sent to Hon’ble High Court and appropriate action will be taken.’

[2]. The sole contention raised on behalf of the petitioner is that the issuance of warrant has created some confusion about the property i.e. Shop No.15 which is owned by the petitioner itself. On a pointed query, learned Senior counsel refers to sale deed dated 27.10.2004, whereby the petitioner purchased the aforesaid Shop No.15 measuring 10' x 20', and submits that the warrant of possession be not got executed qua the same.

[3]. On the other hand, learned counsel representing the caveator respondent/landlord-decree holder submits that the order of warrant of possession issued by the Court on 04.07.2024 already stands executed with the help of police and the possession has been handed over to the decree holder, he having raised a wall between Shop No.15 and 16.

[4]. In such circumstances, the Executing Court is requested to submit a report within a period of two days from today merely to verify the fact regarding execution of warrant of possession and also that no part of Shop No.15 measuring 10' x 20' purchased by the petitioner in pursuance of sale deed dated 27.10.2004 has been made part of the proceedings in pursuance to the warrant of possession.

[5]. List on 15.07.2024."

3. Admittedly, the possession proceedings stand culminated on 10.07.2024 and in compliance of the order passed by this Court on the previous date, even report has been received from the trial Court referring to demarcation done by SDM, Jalandhar-I with the assistance of Patwari, Kanungo and Tehsildar namely Ram Chand followed by submission of its report dated 12.07.2024 before the Executing Court.

3. Faced with the fact that the possession proceedings have already culminated with the handing over of the same to the decree holder-respondent, learned Senior counsel for the petitioner submits that the petitioner may be granted liberty to approach the Executing

Court so as to raise objection to the possession proceedings. Similarly, learned counsel representing decree holder submits that the respondent has already assailed the report dated 12.07.2024 submitted by the Local Commissioner/SDM, Jalandhar-I before the Executing Court and he be permitted to pursue the same.

4. In view of the aforesaid stand taken by the learned counsel for the parties, the present petition is disposed of with liberty to the petitioner-judgment debtor to file his objection qua the possession proceedings before the Executing Court which shall be adjudicated upon after affording opportunity to respondent-decree holder and similarly, the objections filed by respondent-decree holder to the Local Commissioner report be decided after granting opportunity to the petitioner-judgment debtor. The question as regards non-payment of arrears of rent shall also be decided by the Executing Court along with the objections up to the date of possession.

5. The present petition stands disposed of in the aforesaid terms.

15.07.2024

(HARKESH MANUJA)

Tejwinder

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>