

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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2024:PHHC:000835

1. ESA-36-2012 (O&M)  
Date of decision: 08.01.2024

GURINDER SINGH ..Appellant  
Versus  
MAHANT GURMUKH DASS (DECEASED) THROUGH  
LRS AND OTHERS ..Respondents

2. ESA-37-2012

MAHANT CHAMKAUR SINGH ..Appellant  
Versus  
MAHANT GURMUKH DASS (DECEASED) THROUGH  
LRS AND OTHERS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harjot Singh Bedi, Advocate  
for the appellant.  
  
Mr. Krishan Singh Dadwal, Advocate  
for respondents.

ANIL KSHETARPAL, J(Oral)

1. These two connected execution second appeals have been filed to challenge the correctness of the order passed by the Executing Court, which has been affirmed in appeal by the First Appellate Court while dismissing the appellants’ objection petition. The appellants herein namely Sh. Gurinder Singh and Mahant Chamkaur Singh claim that the suit property vests in Sewa Panthi Addan Shahi Sabha (herienafter referred to as the ‘Sabha’) and therefore, the order of eviction passed by the Rent Controller in favour of Mahand Gurmukh Dass and Sh. Sanjeev Kumar shall not be implemented. Sh. Gurinder Singh claims to be a tenant under Sabha. Mahant Gurmukh Singh and Sh. Sanjeev Kumar filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, on 09.12.1993 against

Smt. Harbhajan Kaur and Sh. Ranjit Singh, which was allowed. The aforesaid eviction order was affirmed by the Appellate Authority in the first appeal. The aforesaid eviction order has become final now. A civil suit with regard to the entitlement of the aforesaid property along with other property is pending before the Court. The trial Court decided the suit in favour of the Sabha, whereas, the Appellate Court reversed the judgment. The regular second appeal is pending before the High Court.

2. It is well settled that the landlord is not necessarily required to be the owner of the property. In any case, there is no justification in permitting the tenants to continue to occupy the property even after the eviction order has become final.

3. At this stage, the learned counsel representing the parties have come to a consensus. It has been agreed that the Executing Court shall be permitted to execute the eviction order and deliver possession to the legal representatives of Mahant Gurmukh Dass and Sh. Sanjeev Kumar. It is also agreed that ultimately if the civil proceedings are decided in favour of Sabha, the respondent shall hand over the possession of the premises to the Sabha. If the respondent fails to deliver the possession, the Sabha shall have right to file for the execution of the order passed by this Court and take possession.

4. With these observations, both the appeals are disposed of.

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

January 08<sup>th</sup>, 2024

(ANIL KSHETARPAL)  
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No