



132

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

CR-702-2025

Date of decision: 19.02.2025

Kuldeep Singh

...Petitioner

Versus

Pawan Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Kumar Saini, Advocate for the petitioner.

Mr. Ritesh Aggarwal, Advocate for respondent Nos.1 to 6.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 12.12.2024 (Annexure P-11) passed by the Civil Judge (Junior Division), Amloh, whereby the Executing Court had ordered to provide police help in execution of warrant of possession.

2. On 06.02.2025, this Court had passed the following order:-

“Present: Mr.Amit Kumar Saini, Advocate for the petitioner.

Inter alia contends that in the present case, the petitioner had filed third party objections on the plea that prior to the filing of the eviction petition dated 21.09.2023, the petitioner had been given possession by virtue of agreement to sell dated 15.01.2021 and the petitioner had also paid an amount of Rs.70 lacs through bank transaction. It is submitted that on the basis of the said agreement, it is prima facie clear that the petitioner was in possession of the property prior to the date of the filing of the



eviction petition. It is argued that in the reply filed to the third party objections, the factum with respect to the execution of the agreement has not been disputed but it has further been stated in the said reply that the same was executed only to secure the amount of Rs.70 lacs which had been paid by the petitioner to the respondent. It is further the case of the respondents that they have returned Rs.45 lacs. Learned counsel for the petitioner has submitted that all the said issues are triable issues and thus, the third party objections filed by the petitioner were required to be adjudicated. It is submitted that the third party objections had been filed on 29.10.2024 and the matter was adjourned to 12.12.2024 on 04.12.2024 for arguments on the said application. However, the said third party objections have not been decided and that in the impugned order, it has not been mentioned that the third party objections have not been pressed and it is only recorded that no argument was raised on the same. It is further submitted that for the inconvenience caused on account of the counsel for the objector not arguing the matter on 12.12.2024, the petitioner is ready to compensate the respondents. It is further argued that it is actually the petitioner, who is in possession of the property.

Notice of motion for 19.02.2025.

Liberty is granted to the petitioner to serve the respondents through the counsel appearing in the trial Court as well through dasti process.

Status quo as it exists today be maintained till the next date of hearing.

To be shown in the urgent list.

The petitioner would bring an amount of Rs.30,000/- on the next date of hearing.

It is made clear that in case the above said cost of Rs.30,000/- is not brought on the next date of hearing, then the interim order is liable to be vacated.

February 06, 2025”



3. Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has brought an amount of Rs.30,000/- in cash and the same has been handed over to learned counsel appearing on behalf of respondent Nos.1 to 6.

4. Learned counsel for respondent Nos.1 to 6 has submitted that setting aside the order dated 12.12.2024 for reconsideration should not be construed as an expression of opinion on merits of the case and the Civil Judge (Junior Division), Amloh be directed to consider the objections filed by the petitioner independently, in accordance with law and after hearing both the parties, as expeditiously as possible.

5. Keeping in view the abovesaid facts and circumstances and fair stand taken by the learned counsel for the petitioner as well as learned counsel for respondent Nos.1 to 6, the impugned order dated 12.12.2024 is set aside and the Civil Judge (Junior Division), Amloh is directed to decide the application filed by the petitioner under Order XXI Rule 97 CPC with respect to third party objections afresh, after hearing both the parties, in accordance with law, as expeditiously as possible.

6. It is made clear that this Court has not given any final opinion on the merits of the case and it would be open to both the parties to raise all the pleas, which would be considered independently by the Executing Court.

7. In view of what has been observed above, the present revision petition is disposed of.

19.02.2025

Pawan

**(VIKAS BAHL)
JUDGE**

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