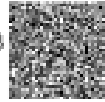


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

129

2025-PHHC-028993



**ESA-11-2025 (O&M)
Date of decision: 28.02.2025**

RAVINDER KAUR

..Appellant

Versus

JASBIR SINGH AND ANR

..Respondent

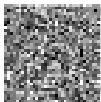
CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Ghuman, Advocate
for the appellant.

Mr. Ashutosh Gupta, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. The appellant is a third party objector. Her objection petition has been dismissed by the Executing Court, which in appeal has been affirmed by the First Appellate Court that is how this execution second appeal has been filed. Respondent Sh. Jasbir Singh filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, against his brother Sh. Inderjit Singh, seeking his eviction from shop located opposite Laxmi Soda Water, Lahori Gate, Patiala. It was claimed that Sh. Inderjit Singh was inducted as a tenant vide rent agreement dated 15.10.2016, however, he has not paid the rent who claimed that there was a family settlement on 01.07.2018, under which he was to be paid Rs.90,00,000/- by Sh. Jasbir Singh. Sh. Jasbir Singh's son gave cheque of Rs.50,00,000/- in favour of Sh. Harvinder Singh son of Sh. Inderjit Singh, which was dishonoured and proceedings under Section 138 of Negotiable Instruments Act, 1881, are pending. It was also claimed that in the family settlement any arrears of rent were waived off. Thus, denial of landlord and tenant between them was not



disputed. The Rent Controller assessed the provisional rent, which was not paid, resulting in eviction order. Sh. Inderjit Singh filed the appeal, which was dismissed by the Appellate Authority. Sh. Jasbir Singh filed execution petition. The appellant is daughter of Smt. Gurmeet Kaur, sister of Sh. Jasbir Singh and Sh. Inderjit Singh. She claims to be in possession of the shop as co-sharer. Suit filed by her for declaration is pending.

2. On the other hand, Sh. Jasbir Singh claims that Smt. Gurmeet Kaur on 02.05.2018 executed a registered will bequeathing her share in favour of Sh. Jasbir Singh.

3. It is admitted position that the appellant was adopted by her uncle. There is cogent no material to prove that the appellant is in possession of the shop. At the best, the appellant's share would be only 1/30th in the shop if her claim is accepted. In this petition, execution of a decree of eviction is sought. The appellant has already filed a suit claiming her share in the property, which shall be adjudicated by the Court.

4. Hence, no ground to interfere is made out.

5. Dismissed accordingly.

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

February 28th, 2025

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(ANIL KSHETARPAL)
JUDGE

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