



ESA-34-2025(O&M)

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

ESA-34-2025(O&M)

Date of decision:29.04.2025

Balbir Singh Rai

..Appellant

Versus

Gurmeet Kaur (since deceased) through her LR's and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Siddharth Gupta, Advocate for the appellant

ANIL KSHETARPAL, J. (Oral)

The objection petition filed by the appellant has been dismissed by the Executing Court, which in appeal, has been affirmed by the appellate authority. Gurmeet Kaur was the original owner/landlady. She filed an eviction petition against the tenant J.C.Kapoor which was allowed on 23.07.2012. Since then she was struggling to get possession of the property. The order passed by the Rent Controller is executable. J.C.Kapoor filed an appeal, which was dismissed for non-prosecution which was never got restored. In the meantime, the landlady died. Execution petition was filed by the landlady's son namely Baldev Singh. The appellant filed an objection petition claiming to be tenant under Gurmeet Kaur by virtue of rent deed dated 20.06.2011. The original whereof was never produced. The appellant has failed to prove even a single payment of rent of one month whereas he claims to be in possession as a tenant for the last 14 years. He has failed to prove any payment to the landlady. The original rent deed has not also been produced.



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Learned counsel representing the appellant submits that daughter-in-law of Gurmeet Kaur namely Harinder Kaur executed rent deed in favour of the appellant. The appellant is first required to surrender possession to Gurmeet Kaur or her heir. It is only thereafter he can file any claim.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

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

(ANIL KSHETARPAL)
JUDGE

29.04.2025

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No'