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

CR-3232-2025

Date of decision: 07.07.2025

Sudesh Bala

...Petitioner

Versus

Mithilesh Kumar Jha and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harish Chhabra, Advocate and
Ms. Pooja Chhabra, Advocate for the petitioner.

Ms. Shreyansi Verma, Advocate for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned judgment dated 05.04.2025 (Annexure P-6) passed by the Additional District Judge, Gurugram, whereby appeal filed by respondent No.1 against the order dated 07.01.2025 passed by the Civil Judge (Junior Division)-cum-Rent Controller has been allowed.

2. Learned counsel for the petitioner has submitted that while remanding the case, the Appellate Court has made observations which are prejudicial to the petitioner. It is submitted that once the matter has been remanded, the Executing Court be directed to decide the objections filed by the petitioner independent of the observations made by the Appellate Court, as expeditiously as possible. It is further submitted that the counsel for the petitioner before the Executing Court would fully assist the Court in



expeditious disposal of the said objections.

3. Learned counsel for respondent No.1 has also submitted that even counsel for the decree holder would fully assist the Court in expeditious disposal of the objections. It is submitted that liberty be granted to respondents to raise all the arguments as are available to them before the Executing Court for the purpose of deciding the objections filed by the petitioner.

4. Keeping in view the abovesaid facts and circumstances and the fair stand taken on behalf of learned counsel for the petitioner and learned counsel for respondent No.1, the present revision petition is disposed of with the following observations/directions:-

- i) The Executing Court would decide the objections after remand independently and after hearing both the parties concerned. It would be open to both the parties to raise all the pleas which are available to them in accordance with law.
- ii) The Executing Court would decide the objections filed by the petitioner afresh after remand as expeditiously as possible.
- iii) As undertaken before this Court, learned counsel for the objector as well as decree holder and all the persons concerned would fully assist the Executing Court in expeditiously deciding the objections.

07.07.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No