

**CR No. 3396 of 2025**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3396-2025 (O&M)
Decided on : 29.05.2025**Jarnail Singh (since deceased) through LR****.....Petitioner****Versus****Arya Pritinidhi Sabha & Ors.****.....Respondents****CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:** Mr. Sachin Sharma, Advocate, for the petitioner.**DEEPAK GUPTA, J.**

By way of this revision petition filed under Article 227 of the Constitution of India, the petitioner assails order dated 07.05.2025 (*Annexure P-1*) passed by the learned Additional District Judge, Kapurthala, dismissing the appeal of the petitioner against the order dated 14.03.2024 (*Annexure P-2*) passed by the Executing Court in execution case No. EXE.8 of 2018, whereby objections filed by the petitioners were dismissed.

2. As the paper-book would reveal that contesting respondents No.1 and 2 herein had filed an ejectment petition under the provisions of East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the petitioner and respondents No.7 to 12 herein. Though, the said ejectment petition was rejected by the Rent Controller on 22.11.2002 and the appeal of the landlord was dismissed by the Appellate Authority on 21.10.2003, but CR No. 555 of 2004 filed by the landlords was accepted by this Court on 11.04.2016.

3. For implementation of the order of ejectment passed by this High Court on 11.04.2016, the landlords filed execution, wherein objections were filed by the petitioner, which have been dismissed by the Executing Court and the said order has been affirmed by the Appellate Court.

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4. Assailing the impugned order, it is contended by learned counsel that as per the ejectment order, possession of demised shops, allegedly rented out to the petitioner, has already been delivered to the landlords in September, 2024 and that under the garb of eviction order, the contesting respondents now want to encroach upon the property of the Punjab Wakf Board situated on the western side of the demised premises, which is in possession of the petitioner since long time. It is further the contention of learned counsel that in the site plans, which were annexed with the ejectment petition and execution petition, the boundaries and measurement of the demised premises were not mentioned so as to identify the property, the possession of which was required to be delivered to the contesting respondents-landlords. Prayer is accordingly made for setting aside the impugned orders.

5. After hearing learned counsel for the petitioner at considerable length and after going through the paper-book, this Court does not find merit in the petition.

6. It will be apt to reproduce the relevant observations made by the Appellate Court, while dismissing the appeal against the dismissal of the objections:-

“10. Further perusal of the record shows that it is not the first objection petition filed by the JD by taking such objections but it is an objection filed on the same facts of the objection petition earlier filed, which was dismissed by the learned executing court. Earlier also LR of Jarnail Singh i.e. LR of JD No.1 had filed objection petition on the ground that area, dimensions and measurement of the property are not mentioned and the said objection petition was dismissed vide order dated 17.01.2023 by the learned executing court. A perusal of the said order shows that the objections taken in the present petition that the area, measurement or dimensions of property in question have not been mentioned and the length and breadth of area to be delivered to DH cannot be ascertained and that it is now clear how much land belonging to Punjab Wakf Board is



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in possession of LRs of JD No.1 and that the execution is vague and cannot be enforced were also taken in the previous objection petition. No appeal against the Order dated 17.01.2023 has been filed but the LR of JD No.1 has come up with new objection petition on the same grounds which is barred as per the principal of res-judicata. The act and conduct of the JD is sufficient to show that his intention for filing the objection-petition repeatedly instead of taking the legal remedy of filing appeal against the Order under execution, is just to delay the proceedings.”

7. The aforesaid observations, based upon record, would reveal that similar objections regarding measurement & dimensions of the demised property; and to the effect that landlord wanted to take possession of the property belonging to the Punjab Wakf Board, were earlier raised by the petitioner herein, but the objections were dismissed on 17.01.2023 by the Executing Court and now, on the same grounds, fresh objections were filed. It has rightly been held by the Courts below that said objections filed on the same grounds are barred by the principles of *res-judicata*. Apart from this, on a specific query put by this Court to learned counsel for the petitioner, as to whether the petitioner has any document to show that he is in possession of any property abutting to the demised property, belonging to the Punjab Wakf Board, he candidly admitted that there was no such document.

8. In view of the aforesaid facts and circumstances, this Court does not find any illegality or perversity in the impugned orders passed by the Courts below. Holding the present revision petition to be devoid of any merit, the same is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

29.05.2025
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Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No