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

**CR-4687-2025 (O&M)
Date of Decision: 23.07.2025**

Tarsem Singh

.....Petitioner

Vs.

Sohan Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Sarju Puri, Advocate,
for the petitioner.

SUDEEPTI SHARMA J. (ORAL)

1. Challenge in the present petition is for setting aside the impugned order dated 05.07.2025 passed by learned Civil Judge (Junior Division), Balachaur, in Execution No.27 of 2025, whereby, the learned Executing Court has issued fresh warrants of possession against the petitioner.

2. Learned counsel for the petitioner contends that without dealing with the objections filed by the petitioner, fresh warrants of possession was issued against the petitioner, by the Civil Judge (Junior Division), Balachaur, vide its impugned order dated 05.07.2025, and the matter was adjourned to 14.07.2025 and then to 17.07.2025. On asking of this Court, learned counsel has produced zimini orders dated 14.07.2025 and 17.07.2025.

3. I have heard learned counsel for the petitioner and perused the case file with his able assistance.



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4. A perusal of the file shows that respondent/plaintiff filed a suit for specific performance of agreement to sell dated 31.05.2019 against the petitioner/defendant to specifically perform his part of contract dated 31.05.2019 by executing a legal and valid sale deed in favour of the respondent/plaintiff. The same was decreed in favour of the respondent/plaintiff vide judgment and decree dated 15.02.2025 passed by learned Civil Judge (Junior Division), Balachaur/SBS Nagar. Respondent/plaintiff filed execution application, wherein on 05.07.2025, following order was passed:-

“As per the report of the Ahlmad, warrants of possession not received back. Let, the fresh warrants of possession be issued for 14.07.2025.”

The matter was adjourned to 14.07.2025 and on that date, following was passed:-

“As per the report of the Ahlmad, warrants of possession received back with the report of police help required. JD appeared before the Court and filed the application for recalling the order of warrant of possession.

Objections have also been filed by the JD. Copy supplied to the decree holder. Now, the case stands adjourned to 17.07.2025 for filing reply to the application for recalling the order of warrant of possession as well as to the objections by the decree holder.”

Then the matter was adjourned to 17.07.2025. On 17.07.2025, following order was passed:-

“Reply to the application for recalling the order of warrant of possession as well as to the objections by the decree holder not filed. Adjournment has been requested by the learned counsel for the decree holder. On request, the case stands adjourned to 24.07.2025 for filing reply



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to the application for recalling the order of warrant of possession as well as to the objections by the decree holder.”

5. A perusal of the above referred to zimini orders shows that on 05.07.2025, warrant of possession has been ordered to be issued rfor 14.07.2025. On 14.07.2025, the petitioner/judgment debtor filed objections as well as application for recalling the order of warrant of possession and the matter was adjourned to 17.07.2025 for filing reply to the application as well as to the objections. On 17.07.2025, since reply to the application as well as to the objections was not filed, therefore, the matter was again adjourned to 24.07.2025 for the said purpose. The application for recalling of warrant of possession as well as objections are still pending adjudication before the learned Executing Court.

6. Be that as it may, the instant petition seems to have been filed prematurely and the same is accordingly **dismissed**.

7. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

23.07.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No