



CR-6499-2025

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

(120)

CR-6499-2025(O&M)
Date of Decision:-12.09.2025

Jarnail Singh

.....Petitioner

Versus

Mota Singh Sohal (Since deceased) through his LRs and Another

.....Respondents

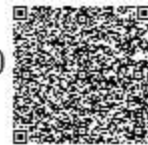
CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Vikas Bali, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The petitioner has invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India for setting aside the impugned orders dated 29.08.2025 (Annexures P-21 & P-22) passed by the learned Rent Controller, Jalandhar, whereby the objections filed by the petitioner/Judgment Debtor against the execution of ex parte judgment and decree dated 19.09.2024 were dismissed and warrants of possession were ordered to be issued with police aid.

2. The brief facts of the case are that the respondent-landlords filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act seeking ejectment of the petitioner from the premises in dispute. The said petition was allowed ex parte on 19.09.2024. Aggrieved against the same, the petitioner preferred an appeal, which is stated to be pending adjudication.

**CR-6499-2025**

During the pendency of the said appeal, the respondents initiated execution proceedings. The objections filed by the petitioner were dismissed and warrants of possession were ordered to be issued. It is this order which is under challenge in the present revision petition.

3. Learned counsel for the petitioner has contended that the petitioner has regularly deposited provisional rent in compliance of orders passed in subsequent rent petitions, which clearly establishes that the petitioner is not a wilful defaulter. Once the arrears stood deposited, the ex parte decree based solely on arrears could not have been executed. He further contends that the ex parte judgment/eviction order dated 19.09.2024 has already been challenged by the petitioner in a statutory appeal before the learned Additional District Judge, wherein notice has been issued and respondent No.2 has caused appearance. Once the matter is sub judice before the Appellate Authority, the Executing Court ought to have deferred execution till the appeal is decided.

4. I have heard learned counsel for the petitioner and carefully perused the paper book.

5. In view of the order proposed to be passed, notice is not being issued to respondent as it would delay the proceedings besides entailing additional expenses to the respondents.

6. The main issue is that the Executing Court could refuse execution of the ex parte eviction order merely on account of pendency of other rent proceedings or pendency of an appeal without any interim order. The settled position of law, as reiterated by the Hon'ble Supreme Court in *Bhavan Vaja v. Solanki Hanuji Khodaji Mansang*, AIR 1972 SC 1371, is that an Executing Court cannot go behind the decree under execution. It has been held as under:



CR-6499-2025

“it is not necessary for us to go into the question whether the executing Court could have directed the delivery of the properties for which occupancy certificates had been granted under the Land Reforms Act. At the trial stage, the parties had chosen to put into issue the effect of those certificates. The Board had gone into the matter and had pronounced on the same. That pronouncement has not been challenged in appeal. Therefore whether the order of the Board is correct or not, it is binding on the parties to the litigation.

7. Admittedly, the ex parte judgment/eviction order dated 19.09.2024 has not been stayed by the Appellate Authority. In such circumstances, the Executing Court was justified in proceeding with the execution. The pendency of other rent petitions or the fact that provisional rent was deposited in a separate proceeding does not ipso facto render the decree unexecutable. Such contentions are available to be raised before the Appellate Court in the pending appeal, not before the Executing Court. Equally, the plea regarding agreement to sell and alleged payment of consideration is a defence on merits which stood forfeited when the petitioner suffered an ex parte decree. These are not grounds which the Executing Court is competent to examine at the stage of execution. The supervisory jurisdiction of this Court under Article 227 is limited and circumscribed. The impugned orders dated 29.08.2025 disclose no such infirmity.

8. For the reasons recorded above, the present revision petition is found to be devoid of merit and is hereby **dismissed**, without commenting



CR-6499-2025

upon the merits of the case.

9. All pending application(s), if any, stand disposed of accordingly.

(AMARINDER SINGH GREWAL)
JUDGE

12.09.2025
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No