



In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 3863 of 2023 (O&M)

Date of Decision: 01.04.2025

Vipan Verma and Others

... Appellant(s)

Versus

Raj Sood

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ivan Singh Khosa and Mr. Arjan Jain, Advocates
for the appellant(s).

Anil Kshetarpal, J.

CM-13831-C-2023

1. For the reasons stated in the application, the same is allowed and delay of 22 days in filing the appeal is condoned.

RSA-3863-2023

2. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

3. The appellants before this Court are the owners/landlords of the tenanted premises. They filed a petition under the land laws seeking eviction of the tenant which was ordered on 02.03.2017. The plaintiff (the respondent herein) filed a suit for the grant of decree of permanent injunction restraining the appellants/defendants from demolishing or causing damages to the house

property which has been decreed only to the extent that they shall have the liberty to dispossess the plaintiff from the property, in accordance with law, however, they were restrained from demolishing or causing any damages to the existing construction.

4. The learned counsel representing the appellants admits that the execution petition for implementation of the order of eviction is pending and the warrants of possession have already been issued in favour of the appellants for 05.05.2025. However, he submits that both the Courts below have no business to grant injunction to the plaintiff.

5. This Court has considered the submissions of the learned counsel representing the appellants.

6. The respondent is the tenant who has been ordered to be evicted. She is required to be dispossessed by the Executing Court in implementation of the decree. The warrants of possession have already been issued. Hence, it would not be appropriate to enter into the academic exercise while entertaining the present appeal.

7. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned judgments passed by both the Courts below. Hence, the present appeal is dismissed.

8. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

April 01, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No