



(CR-7481-2025)

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

(118)

CR-7481-2025 (O&M)

Date of Decision:-17.11.2025

YOG RAJ

... Petitioner

Versus

PUNJAB STATE THROUGH COLLECTOR PATHANKOT AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Inderjit Sharma, Advocate, with
Mr. Prem Dutt, Advocate,
for the petitioner.

Mr. I.S. Kingra, Sr. DAG, Punjab.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition under Article 227 of the Constitution of India has been filed assailing the order dated 29.09.2025, vide which, the learned Executing Court has recalled the warrants of possession for allowing third party objections. An execution petition was pending before learned Civil Judge (Jr. Division), Pathankot for executing the decree in favour of the petitioner and during pendency of the execution petition, warrants of possession with police help were issued vide order dated 25.09.2025 (Annexure P13) and on the very next day, an application for permission to file third party objections was filed by Executive Engineer, Construction Division, PWD (B&R) Branch, Pathankot and the learned Executing Court passed the impugned order thereby recalling the warrants of possession issued for 14.10.2025 for providing an opportunity to the respondent/applicant to file third party objections.

2. Counsel for the petitioner contended that this procedure is totally unknown to the law, once warrant of possession has been issued then the warrants of possession should not be lightly recalled by the Executing Court for simply providing a third party time for filing objection petition. It is only



required to be recalled when a third party files objections and there is *prima facie* substance in the objections.

3. Learned counsel contended that in the present case, there is no substance in third party objections. Third party was already aware of the proceedings pending before the Civil Court during the pendency of the suit and has also moved an application before the Court, copy of which has been placed on record as Annexure P-5 and vide order dated 12.09.2025 Annexure P-6 that application was dismissed. In Annexure P-5 filed in some other suit, there is a reference of pendency of the suit in para No.2.

4. Notice of motion. Learned State Counsel accepted the notice of motion on the previous date and today has put in appearance.

5. Learned State Counsel submitted that the third party objections are already filed and are on the file of the Court. The record from the Executing Court was called. Third party objections are available at Page Nos.25 to 29 of the execution file.

6. At this stage, learned counsel for the petitioner pointed out that the objection petition was filed subsequently on 3rd of November, 2025. He has produced a copy of order dated 03.11.2025, Whereas, the copy of record received from learned Executing Court clearly shows that there is no copy of order dated 03.11.2025 rather last order is of 30.10.2025. The execution petition was adjourned to 18.12.2025, so, this clearly shows that there is something fishy in the orders of the learned Executing Court but since the third party objections are already available on the file of the Executing Court, the only course open to this Court is to direct the learned Executing Court to decide the objection



petition of PWD Construction Division within a period of one month from today.

7. In the light of above, the instant petition is disposed of with a direction to learned Executing Court to decided the objection petition of the PWD Construction Division within a period of one month from today. Learned Executing Court can also pre-pone the proceedings in order to decide the objection petition within a period of one month.

8. Pending miscellaneous applications, if any, are also disposed of.

17th November, 2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No