

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

(131)

CR-8365-2025 (O&M)
Date of Decision:-17.11.2025

Harish Chand

.... Petitioner

Versus

Vikram Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Suriner Kumar Daaria, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioner has invoked the extraordinary supervisory jurisdiction of this Court under Article 227 of the Constitution of India to assail the order dated 12.11.2025 (**Annexure P-14**) passed by the learned Appellate Court, whereby the petitioner's application seeking interlocutory suspension of the operative effect of the ejectment order dated 30.09.2025 was declined.

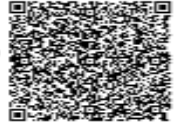
2. The petitioner asserts that the respondent-petitioner instituted an ejectment petition against the petitioner-respondent in respect of the plot in dispute. It is stated that the said premises had been leased to the petitioner-respondent pursuant to a rent agreement dated 02.10.2019 for a fixed term of eleven months at a monthly rent of ₹10,000/-. The ejectment proceedings were initiated on the grounds that the petitioner-respondent had failed to tender or pay the rent accruing during the subsistence of the tenancy, and further, that he did not take steps to renew or extend the tenancy upon expiry



of the contractual period. It was additionally pleaded that the respondent–petitioner required the premises for his *bona fide* and legitimate personal necessity to commence and conduct his business activities, thereby necessitating the eviction of the petitioner–respondent.

3. The petitioner–respondent filed a detailed contest, categorically denying the existence of a landlord–tenant relationship between the parties. It was asserted that an agreement to sell dated 20.12.2018 had in fact been executed in favour of the petitioner’s wife, pursuant to which possession of the plot was duly delivered to her. It was further pleaded that, as an electricity connection was required for the said property, a formal rent agreement was subsequently executed merely as a matter of convenience and procedural necessity, without any intention on the part of either party to create or acknowledge a relationship of landlord and tenant. The rent petition filed by the respondent–petitioner was nonetheless entertained, and vide order dated 27.01.2023, the application was allowed, resulting in a provisional assessment of rent quantified at ₹4,54,666/-.

4. The petitioner assailed the aforementioned order by filing an appeal, which came to be dismissed vide order dated 20.09.2025. Aggrieved thereby, the petitioner invoked the revisional jurisdiction of this Court by instituting Civil Revision No. 7179 of 2025, wherein the operation of the impugned order was initially stayed. However, during the pendency of the said revision, an ejectment order was passed on 30.09.2025, rendering the revision petition infructuous. Consequently, the revision was disposed of as such vide order dated 09.10.2025.



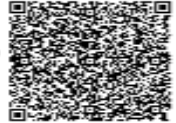
4.1. Thereafter, the petitioner challenged the ejectment order by filing an appeal before the learned Appellate Authority and, in conjunction with the appeal, moved an application seeking stay of the execution of the ejectment order. By virtue of the impugned order, the Appellate Authority declined to grant the relief of stay, giving rise to the present challenge.

5. Pursuant to the issuance of notice of motion, Mr. Lajpat Rai Sharma, learned Advocate, has caused his appearance on behalf of the respondent and has filed his power of attorney today in the Court, which stands accepted, subject to all just exceptions.

6. I have had the benefit of hearing the learned counsel for the parties at length and have undertaken a thorough and scrupulous examination of the paper-book with their able assistance.

7. Learned counsel for the respondent submits that, contrary to the petitioner's assertion, the impugned order does not entail a decision on merits nor a rejection of the petitioner's application seeking stay of execution of the ejectment order. Rather, the Appellate Authority has merely deferred consideration of the stay application in order to afford the respondent an opportunity to file a formal reply thereto, and the application thus remains pending adjudication.

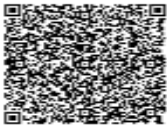
8. Learned counsel for the petitioner contends that warrants of possession have already been issued by the Executing Court for 27.11.2025, and that in the event the stay application remains undecided until that date, the very purpose of the appeal would stand frustrated, thereby rendering the appellate proceedings infructuous.



9. A perusal of the impugned order unequivocally reflects that the petitioner's application seeking stay of execution of the ejectment order has not been adjudicated on merits by the learned Appellate Authority. What has, in fact, been declined is merely the prayer for ad-interim protection pending the filing of the respondent's reply, and the matter was thereafter adjourned to enable the respondent to place a formal reply on record and for subsequent consideration of the stay application.

9.1. In the present circumstances, as the appeal now stands adjourned to a date subsequent to 27.11.2025 on which date warrants of possession are scheduled to be executed, it is evident that, should the stay application remain undecided before the said date and the warrants be executed, the petitioner's statutory right of appeal would be rendered wholly illusory and infructuous. Recognizing this position, learned counsel for both parties fairly concurred that the present petition may be disposed of with an appropriate direction to the learned Appellate Authority to decide the stay application prior to 27.11.2025 by preponing the hearing of the appeal and affording the respondent an opportunity to file a reply.

9.2. Accordingly, the learned Appellate Authority is directed to pre-pone the proceedings in the appeal and to dispose of the petitioner's application seeking stay of the ejectment order impugned therein, after extending due opportunity to the respondent to submit a reply. It is also pertinent to record that a copy of the stay application has been supplied to learned counsel for the respondent in Court today.



10. Accordingly, and in view of the foregoing discussion and directions issued here-in-above, the present petition is disposed of in accordance with the terms so delineated.

11. For the sake of clarity, it is further observed that the conclusions and observations recorded here-in-above are intended solely for the purpose of resolving the narrow and limited controversy that has arisen for consideration in the present proceedings. Nothing contained in this order shall be construed, implied, or treated as an expression of opinion on the substantive merits of the claims or defenses of either party in the underlying litigation. All issues on merits shall remain open to be adjudicated independently by the competent forum, uninfluenced by any part of this order.

12. As a natural corollary to the disposal of the main petition, all pending miscellaneous applications, if any, shall also stand disposed of in the same terms, without requiring a separate order.

17.11.2025
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No