



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

127

CR-2584-2026 (O&M)

Date of decision: 24.03.2026

Sanjay Gupta @ Sanjay Kumar

...Petitioner

Versus

Rajni Semwal

.... Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Shailender Singh Baisla, Advocate, with
Ms. Priya Bhati, Advocate,
Mr. Vikas Chaudhary, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)**CM-6188-CII-2026**

1. This is an application filed under Section 151 CPC for placing on record the true copies of zimni order dated 17.03.2026, Restoration Application i.e. CM-APPLI-201-2026 filed before Ld. Civil Judge (Jr. Divn.) Faridabad dated 17.03.2026 and application for setting aside ex-parte order i.e. CM-APPLI-207-2026 filed before learned Civil Judge (Jr. Divn.), Faridabad dated 19.03.2026 as Annexures P-5 to P-7 respectively.

2. Application is allowed, subject to all just exceptions.

3. Documents Annexures P-5 to P-7 are taken on record.

Main Case

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 29.01.2026 (Annexure P-4), passed by the learned Civil Judge (Jr. Divn.), Faridabad (Executing Court), whereby the execution proceedings were directed to proceed without deciding the application for stay of execution proceedings filed by the petitioner.



2. The brief facts of the case are that respondent–Rajni Semwal filed an eviction petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973, seeking eviction of the present petitioner/respondent from a shop forming part of House No. 1135, Rajiv Nagar, Faridabad, before the learned Rent Controller, Faridabad, on the grounds of non-payment of rent and *bona fide* requirement of the premises. Notice of the said petition was duly served upon the present petitioner, who initially contested the maintainability of the petition by filing a written statement. However, on account of non-appearance, he was subsequently proceeded against *ex parte*. The respondent–Rajni Semwal led *ex-parte* evidence and, upon appreciation thereof, the learned Rent Controller, Faridabad, allowed the eviction petition vide order dated 28.08.2025 and directed the present petitioner to hand over vacant possession of the tenanted premises to the respondent within a period of two months. Thereafter, respondent filed the execution petition i.e. EXE-550-2025 on 11.11.2025. Then on 21.11.2025, warrant of possession was issued against the petitioner. The present petitioner moved an application under Order IX Rule 13 read with Section 151 CPC. Notice of the application was given to the respondent who filed the reply to the said application. Further in the execution application, after hearing learned counsel for the parties, the learned Civil Judge (Jr. Divn.), Faridabad, vide order dated 29.01.2026, held that the execution proceedings cannot be frustrated on account of refusal or non-cooperation of the Judgment Debtor/present petitioner and directed him to remove and take back all movable articles lying inside the shop situated at the suit property. The present petitioner was further



directed to hand over vacant physical possession of the demised shop to the respondent/decreed-holder.

3. Learned counsel for the petitioner contends that the petitioner had moved an application under Order IX Rule 13 read with Section 151 CPC before the learned Civil Judge (Jr. Divn.), Faridabad, which was dismissed on 12.03.2026. He submits that on the said date, the present petitioner could not appear before the learned trial Court due to inadvertence and, consequently, the said application was dismissed in default. It is further submitted that the present petitioner has now moved an application for restoration of the application for setting aside the *ex-parte* orders and the same is still pending adjudication before the learned trial Court. Learned counsel further contends that in case physical possession of the demised shop is handed over to the respondent, serious prejudice would be caused to the petitioner, as the applications seeking stay/setting aside of the *ex-parte* orders are still pending consideration.

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

5. In view of the nature of the order proposed to be passed, issuance of notice to the respondent is dispensed with, as the same would only delay the proceedings and entail unnecessary expenses upon the respondent.

6. Considering the submissions made by learned counsel for the petitioner and the fact that since the application for setting aside/staying the *ex-parte* orders is pending consideration before the learned Civil Judge (Jr. Division), Faridabad, physical possession of the property cannot be handed over to the respondent. The present revision petition is disposed of without commenting anything on merits of the case; with a direction to the learned



Civil Judge (Jr. Division), Faridabad, to dispose of the application moved before it by the present petitioner for setting aside/staying the ex-parte order expeditiously preferably within a period of 3 months from today. The impugned order dated 29.01.2026 (Annexure P-4) is stayed till the disposal of the aforesaid application.

- 7. Registry is directed to send a copy of this order to the learned Civil Judge (Jr. Division), Faridabad, forthwith for compliance.
- 8. Pending applications, if any, shall stand disposed of.

March 24, 2026
anil

(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No