



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

127

CR-2998-2026

Date of decision: 07.04.2026

Rajender (Since deceased) through his LR's and others ...Petitioners

Versus

Mrs. Mukesh and another Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Punit Malik, Advocate, for the petitioners.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India, 1950, for setting aside the impugned order dated 26.02.2026 (Annexure P-7), whereby the learned Executing Court, Gurugram, has dismissed the objections filed by the petitioners; the order dated 07.03.2026 (Annexure P-8), whereby warrants of possession were issued; and the order dated 16.03.2026 (Annexure P-9), whereby the concerned Tehsildar and SHO have been directed to remove all obstructions from the suit land.

2. The brief facts of the case are that respondents—Mrs. Mukesh and another—filed a civil suit against the petitioners for declaration and permanent injunction with regard to the suit property. Notice of the said suit was issued to the petitioners and others, who contested the same by filing their written statement. From the pleadings of the parties, as many as nine issues, including the relief clause, were framed. Thereafter, the learned Civil Judge (Jr. Divn.), Gurugram, after hearing learned counsel for the parties and appreciating the evidence on record, decreed the suit in favour



of the respondents vide judgment and decree dated 18.07.2023 was passed ex-parte. Aggrieved against the same, the petitioners filed a civil appeal before the learned District Judge, Gurugram, challenging the judgment and decree dated 18.07.2023. In the meantime, respondents—Smt. Mukesh and others—filed an execution application before the learned trial Court. Objections to the said execution were filed by the present petitioners. After hearing learned counsel for the parties, the learned Civil Judge (Jr. Divn.), Gurugram, dismissed the objections vide order dated 26.02.2026. On the same day, i.e. 26.02.2026, the Local Commissioner submitted his report, wherein it was observed that the judgment-debtors had tied animals on the suit property and had raised a temporary shed thereon. In view of the said report, the learned Civil Judge (Jr. Divn.), Gurugram, vide order dated 26.02.2026, held that the decree-holder is at liberty to get the obstruction removed through the concerned Tehsildar, with the assistance of the SHO concerned, if so required. However, vide order dated 16.03.2026, the warrants of possession issued to the concerned Tehsildar were received back with a report stating that the same had been served through the Clerk; however, no compliance report with regard to the directions issued in the previous order was received. Accordingly, one more opportunity was granted for ensuring compliance of the directions issued in the previous order.

3. Learned counsel for the petitioners contends that the petitioners have already filed an appeal against the judgment and decree dated 18.07.2023 before the learned District Judge, Gurugram. It is further submitted that in case the warrants of possession are executed, the very purpose of filing the appeal would be frustrated and the petitioners would



suffer irreparable loss. He also submitted that the learned Ist Appellate Court be directed to dispose of the appeal in a time bound manner.

3. Considering the limited nature of relief sought, issuance of notice to the respondents is dispensed with, as the same would only result in further delay in the proceedings.

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

5. Keeping in view the aforesaid facts and without commenting anything on the merits of the case, considering the fact that the appeal filed by the petitioners against the judgment and decree dated 18.07.2023 is pending before the learned District Judge, Gurugram, the operation of the impugned order dated 26.02.2026 (Annexure P-7) shall remain stayed during the pendency of the appeal and the learned District Judge, Gurugram is further directed to dispose of the appeal expeditiously, preferably within a period of three months from today.

6. Pending applications, if any, shall stand disposed of.

April 07, 2026
anil

(AMARINDER SINGH GREWAL)
JUDGE

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