



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

CR-4364-2026

Date of Decision: 22.05.2026

SOM NATH

...Petitioner

Vs.

SHUBHAM AGGARWAL AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Arihant Jain, Advocate with
Mr. Varun Jain, Advocate for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present Revision Petition under Article 227 of the Constitution of India has been filed for setting aside the orders dated 27.04.2026 and 11.05.2026 passed by the learned Additional Civil Judge (Senior Division), Moonak, whereby the objections filed by the petitioner in the execution proceedings were dismissed and warrants of possession with police assistance were issued, respectively.

2. Briefly stated, the present matter arises out of an ejectment petition filed by Respondent No.1/Shubham Aggarwal under Section 13 of the East Punjab Urban Rent Restriction Act regarding a shop situated at Railway Road, Lehragaga, District Sangrur. Shubham Aggarwal claimed himself to be the owner and landlord of the shop and sought ejectment of tenant Vinod Kumar on the grounds of arrears of rent and personal necessity. In his reply, tenant Vinod Kumar denied the relationship of landlord and tenant with Shubham Aggarwal and asserted that Som Nath, the present petitioner, was the actual owner and landlord to whom rent had been paid since 2001. During pendency of the ejectment proceedings, Som



Nath moved an application under Order 1 Rule 10 CPC for impleadment, claiming ownership of the shop on the basis of a family partition and disputing the validity of the GPA and sale deed relied upon by Shubham Aggarwal. The application was allowed by the learned Rent Controller, Moonak vide order dated 13.11.2017, which order was upheld by the Hon'ble High Court in Civil Revision No.660 of 2018. Thereafter, the learned Rent Controller vide judgment dated 04.09.2023 allowed the ejectment petition, against which Som Nath filed an appeal before the Appellate Authority, Sangrur, which is still pending adjudication. During pendency of the appeal, Respondent No.1 initiated execution proceedings. The objections filed by the petitioner were dismissed by the Executing Court vide order dated 27.04.2026 and subsequently warrants of possession along with police help were issued vide order dated 11.05.2026. The petitioner has challenged the aforesaid orders on the ground that the same are illegal, non-speaking, and have been passed despite pendency of the appeal and stay application before the Appellate Authority.

3. Learned counsel for the petitioner contended that since the appeal against the ejectment order dated 04.09.2023 is still pending before the Appellate Authority, Sangrur, the execution proceedings ought to have been stayed. The petitioner further contends that he is the actual owner and landlord of the shop on the basis of a family settlement and that the execution petition filed by Shubham Aggarwal is not maintainable.

4. After hearing learned counsel for the parties and upon perusal of the record, this Court finds that the ejectment order dated 04.09.2023 passed by the learned Rent Controller, Moonak, is admittedly under



challenge before the learned Appellate Authority, Sangrur by way of an appeal preferred by the petitioner. It is also not disputed that along with the said appeal, an application seeking stay of the operation of the ejectment order is pending adjudication.

5. The record further reveals that during pendency of the appeal, the respondent initiated execution proceedings and the learned Executing Court vide orders dated 27.04.2026 and 11.05.2026 dismissed the objections of the petitioner and proceeded to issue warrants of possession along with police assistance. Prima facie, the petitioner has raised arguable issues with regard to ownership and maintainability of the execution proceedings, which are yet to attain finality before the competent appellate forum.

6. This Court is of the considered view that in case the execution proceedings are allowed to continue and the warrants of possession are executed before adjudication of the stay application by the learned Appellate Authority, the same may render the pending appeal infructuous and may cause irreparable loss and prejudice to the petitioner. Balance of convenience also lies in preserving the subject matter of the dispute till the appellate forum considers the stay application on merits.

7. Without expressing any opinion on the merits of the rival claims of the parties, the present petition is disposed of with a view to safeguard the rights of the parties during pendency of the appeal, this Court deems it appropriate to grant limited protection to the petitioner for a short duration. Accordingly, the execution proceedings arising out of the ejectment order dated 04.09.2023, including operation of the impugned



orders dated 27.04.2026 and 11.05.2026, shall remain stayed up to 10.07.2026 when the matter is pending before Appellate Authority. Learned Appellate Authority is directed to take up application under Order 41 Rule 5 of CPC on that date.

(VIRINDER AGGARWAL)
JUDGE

22.05.2026

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