



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

201**CR-4826-2026****Date of Decision: 03.07.2026****Chaman Lal**

....Petitioner

Versus

Nimo Saini @ Nirmala Devi and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Dheeraj Mahajan, Advocate
Mr. Geeteshwar Saini, Advocate and
Mr. Nimish Gautam, Advocate
for respondent No.1.

VIKAS SURI, J. (Oral)

1. The present revision petition has been preferred by the tenant, under Article 227 of the Constitution of India, for setting aside the order dated 21.05.2026 (Annexure P-10) passed by learned Additional Civil Judge (Senior Division), Pathankot, in EXE/26/2026, whereby the objections filed by the tenant/petitioner to stay the execution proceedings during the pendency of the appeal against the ejectment order, has been dismissed and warrants of possession have been ordered to be issued.

2. The following order was passed on 11.06.2026:-

“The instant petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 21.05.2026 in EXE/26/2026 passed by learned Additional Civil Judge (Senior Division), PCS, Pathankot (Annexure P-10)



vide which the objections filed by the petitioner have been dismissed and warrants of possession have been issued for 01.07.2026.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has already approached the appellate authority by way of filing an appeal and has sought stay of the order of eviction passed by the Rent Controller on 12.08.2025. The attention of the Court is drawn to Annexure P-6 and P-7, to demonstrate that the petitioner has already approached the appellate authority for preponing the date in the proceedings regarding stay of the impugned order passed by the learned Rent Controller. It is submitted that despite approaching the appellate authority twice, only notice has been issued in the applications for 30.07.2026 and 14.07.2026 respectively. Contention is that in the absence of the stay applications having been decided, the warrants of possession shall be executed on 01.07.2026 and the stay applications as well as appeal filed by the petitioner shall be rendered infructuous.

3. Notice of motion for 03.07.2026.

4. In the meantime, the effect and operation of the warrants of possession issued vide order dated 21.05.2026 shall remain stayed, till the next date of hearing only.”

3. Mr. Dheeraj Mahajan, Advocate, along with his associates, puts in appearance on behalf of respondent No.1 (landlord) and states that intention of the tenant/petitioner is only to linger on the proceedings to inordinately defer reaping of the benefits of the ejectment order by the landlord. He further submits that the appeal preferred before the appellate authority was barred by law of limitation and application under Section 5 of the Limitation Act, 1961, is yet to be decided, hence, there was no occasion for the Appellate Authority to grant any stay to the tenant. Learned counsel for respondent No.1 further submits that be that as it may, he has instructions from the landlord that for



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moving forward expeditiously, in accordance with law, let the appeal preferred by the petitioner/tenant be disposed of on merits, in a time bound manner and without going into the question of limitation.

4. Learned counsel for the petitioner has readily accepted the aforesaid generosity of the landlord communicated through his counsel and submits that till the decision of the first appeal, his possession may be protected.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. In view of the consensus arrived at between the parties, the present petition is disposed of with the direction to the appellate authority to dispose of the appeal on merits, expeditiously and preferably within a period of six months. Till the decision of the appeal on merits, eviction of the petitioner-tenant from the demised premises, be kept in abeyance.

7. It is, however, made clear that the ejectment order shall remain in abeyance only as long as petitioner/tenant continues to pay the admitted monthly rent in advance, on or before 10th of each month. In the eventuality of the landlord not accepting the rent, liberty is granted to the petitioner/tenant to move an appropriate application before the Rent Controller to deposit the same in Court, after due notice to the landlord.

8. Disposed of with the aforesaid directions.

July 03, 2026*Varinder***(VIKAS SURJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No