



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

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CR-3146-2019 (O&M)**Reserved on : 07.04.2025****Date of Decision : 24.04.2025**

Mohinder Singh ... Petitioner(s)

Versus

MMV Samiti (Registered) Kaithal ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARINPresent : Ms. Renu, Advocate for the petitioner.
(joined through hybrid mode)Mr. Sanjiv Kumar Aggarwal, Advocate and
Mr. Ojas Bansal, Advocate for the respondent.**ALKA SARIN, J.**

1. The challenge in the present revision petition filed by the tenant judgement-debtor/petitioner is to the order dated 12.04.2019 whereby the warrants of possession were issued and the SHO concerned was directed to provide necessary Police help.

2. Briefly the facts relevant to the present *lis* are that MMV Samiti (Registered) Kaithal through its Vice-President filed ejectment petitions against the tenants occupying certain shops in Indira Gandhi College Market on the ground *inter-alia* of bonafide necessity. Vide order dated 30.08.2018 the Rent Controller ordered ejectment of the petitioner. Aggrieved by the same, an appeal was preferred by the petitioner in which no stay was granted. The landlord decree-holder-respondent filed an execution petition. The petitioner also filed an application before the Rent Controller under Section 152 CPC for correction of the order dated 30.08.2018. The said application was dismissed. Aggrieved by the said order of dismissal of the application

under Section 152 CPC, the petitioner filed CR-3144-2019 which was also dismissed vide order dated 14.05.2019 (Annexure R-4). Meanwhile, the other tenants who were also ordered to be ejected by the Rent Controller and the Appellate Authority approached this Court by filing CR-8003-2018 and other connected matters, which were dismissed by this Court vide order dated 19.12.2018 (Annexure R-5). In the execution petition filed by the decree-holder/respondent, an order dated 01.03.2019 was passed wherein it was observed that no objections had been filed and warrants of possession were issued. An application was filed for correction of the said order by the judgement-debtor/petitioner which application was dismissed by the Executing Court vide order dated 20.04.2019 (Annexure R-2) which has not been challenged in the present revision petition or in any other proceedings. On 02.05.2019 (Annexure P-7), the decree-holder/respondent made a statement that the possession had been delivered, and the execution be dismissed as being fully satisfied. The said order dated 02.05.2019 is also not a subject matter of challenge before this Court.

3. Learned counsel for the judgement-debtor/petitioner would contend that objections had been filed by the judgement-debtor/petitioner which were not considered and warrants of possession were issued. It is further the contention that the possession be restored to the judgement-debtor/petitioner.

4. *Per contra*, the learned counsel for the decree-holder/respondent would contend that the judgement-debtor/petitioner has not challenged the order dated 20.04.2019 whereby the application filed by the judgement-debtor/petitioner for correction of the order dated 01.03.2019 was dismissed nor any challenge has been laid to the order dated 02.05.2019 (Annexure P-7)

whereby a statement was made by the decree-holder/respondent that the possession had been delivered and execution be dismissed as satisfied. The learned counsel for the decree-holder/respondent has further pointed out that the revision petitions filed by the other tenants against the orders of their ejectment, being CR-8003-2018 and connected cases, stand dismissed by this Court vide order dated 19.12.2018 (Annexure R-5).

5. I have heard the learned counsel for the parties.

6. In the present case the only challenge is to the order dated 12.04.2019 whereby the warrants of possession were issued and the SHO concerned was directed to provide necessary Police help. Thereafter an application for correction of the order dated 01.03.2019 (Annexure P-4) was filed by the judgement-debtor/petitioner which was also dismissed vide order 20.04.2019 to which no challenge has been laid by the judgement-debtor/petitioner. In the said order it was categorically noticed by the Executing Court that on the day of passing of the order dated 01.03.2019, no objections have been filed and thereafter the file was taken up on 12.04.2019 for providing Police help for execution of the warrants of possession. Infact, the said application was dismissed subject to payment of Rs.1,000/- as costs. Till date the said order has not been challenged. The execution, as per the statement made by the decree-holder/respondent as noticed in the order dated 02.05.2019 (Annexure P-7), stands fully satisfied as possession has already been delivered. Additionally, the other tenants had also preferred revision petitions against their orders of ejectment, being CR-8003-2018 and connected cases, which were dismissed by this Court vide order dated 19.12.2018 (Annexure R-5). The learned counsel for the judgement-debtor/petitioner has not been able to convince this Court that the order dated

12.04.2019 was wrongly passed by the Executing Court or that there was any error of jurisdiction.

7. In view of the above, I do not find any merit in the present revision petition. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

24.04.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO