



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

**CR-5166-2025(O&M)
Date of decision: 04.08.2025**

Sanjeev Kumar and another

... Petitioners

Versus

Neha Khanna

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Shubham Goyal, Advocate,
for the petitioners.

VIKRAM AGGARWAL, J. (ORAL)

1. This is a petition preferred under Article 227 of the Constitution of India, assailing orders dated 09.04.2025 (Annexure P-6) and 27.05.2025 (Annexure P-7), passed by the Court of Civil Judge, Jr. Division, Jalandhar, vide which the moveable property of the petitioners has been ordered to be attached and put to sale by way of public auction.

2. Shorn of unnecessary details, facts as emerging from the revision petition are that an eviction petition was preferred by the respondent-landlord under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the Rent Act'), for eviction of the petitioner-tenant from a house measuring 4 marlas, as fully described in the petition (hereinafter referred to as the '**demised premises**'). The said eviction petition was allowed vide order dated 01.08.2023 (Annexure P-2), passed by the Court of Rent Controller, Jalandhar, and the following relief was granted:



“48. As a sequel of my findings on the aforesaid issues, the present petition stands allowed with costs. The respondents are directed to vacate the demised premises as fully detailed in the head note of the petition on account of wrong denial of relationship and bonafide need of petitioner within two months, failing which the petitioner would be at liberty to take aid of agency of law to seek the eviction. 49. The respondent no.1 is also directed to make the payment of due amount of rent amounting to Rs.5,63,950/- as assessed by this Court within one month failing which petitioner is at liberty to seek the recovery of said amount through aid of the court.”

3. An application for execution (Annexure P-3) was filed, succeeded by an application for attachment of property (Annexure P-4). The said application was opposed by way of a reply (Annexure P-5). However, vide order dated 09.04.2025 (Annexure P-6), warrants of attachment were ordered to be issued qua moveable goods/articles lying in the demised premises.

4. The sole argument addressed by learned counsel representing the petitioners is that the petition was for eviction and not for recovery and, therefore, the Rent Controller could not have passed any direction as regards the payment of arrears of rent. He further submits that no execution proceedings could be instituted for recovery of the said amount. Learned counsel concedes that an appeal was preferred against the order of the Rent Controller, but the same was also dismissed. He submits that a revision petition is now pending against the said order but concedes that there no stay was granted.



5. Having considered the submissions made by learned counsel for the petitioners, I find the same to be devoid of merit. Section 17 of the East Punjab Urban Rent Restriction Act, 1949 provides as under:

“17. Execution of Orders.- Every order made under Section 10, or Section 13, and every order passed on appeal under Section 15 shall be executed by a civil court having jurisdiction in the area as if it were a decree of that court.”

6. In view of the categorical statutory provision, no error was committed by the respondent-landlord in instituting execution proceedings or by the Executing Court in issuing warrants of attachment for the moveable goods/articles lying in the demises premises.

7. In view of the aforementioned facts and circumstances, I do not find any merit in the present petition and the same is accordingly dismissed.

8. Pending application(s), if any, stand disposed of.

**(Vikram Aggarwal)
Judge**

August 4, 2025

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No