



CR-5266-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-5266-2025 (O&M)**Date of Decision:11.08.2025**

Randhir Singh

... Petitioner

Versus

Mini Bansal and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Mayur Karkra, Advocate
for the petitioner.

AMARINDER SINGH GREWAL, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India praying for setting aside of the impugned order dated 09.07.2025 (Annexure P-6) passed in EXE-618-2024 titled as *Mini Bansal and another Vs. Randhir Singh and others* whereby the objections filed by the petitioner-judgment debtor to the execution proceedings have been dismissed and the impugned order dated 29.07.2025 (Annexure P-7) whereby the learned Executing Court has directed the concerned bailiff to execute warrants of possession by breaking the locks/door during day time and after giving reasonable warning in the presence of respectables of the locality.

2. In brief, the facts are that father of the petitioner herein and *pro forma* respondent namely Pritam Singh had taken the shop on rent from Chhota Singh @ Rs.500/- per month, who later sold the shop to Radha Bansal and respondent No.1 vide sale deed dated 12.12.2001. Being the co-landlord, respondent No.1 demanded rent from Pritam Singh but he said that he has already deposited the rent upto the month of April, 2003 in the name of Chhota Singh in the Civil Court but did not pay any rent to respondent No.1 and Radha Bansal even after April, 2003



and fell in arrears. On 16.01.2005, Pritam Singh expired. Even his legal heirs did not pay any rent to respondent No.1 or Radha Bansal. On 18.09.2018, Radha Bansal transferred her half share in the said shop to respondent No.1 and accordingly, she became exclusive owner of the shop in question and landlord qua judgment debtors, as they inherited tenancy rights after the death of Pritam Singh. Further, respondent No.1-decree holder after purchasing the plot from Chhota Singh had constructed a shop in half portion of the land of her share and rest of the plot is lying vacant. Respondent No.1-decree holder claiming herself to be owner and landlord of the shop forming part of property bearing No.1506/4, situated near Anardana Chowk, Opposite Fish Market, Bahera Road, Patiala along with respondent No.2 filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 before the learned Rent Controller, Patiala on the ground of personal necessity and non-payment of rent. The learned Rent Controller allowed the petition vide order dated 07.10.2024 and directed the respondents therein to deposit the arrears of rent of shop in dispute and granted them two months time from the date of order to vacate the demised premises and handover its possession to respondent No.1 herein. Respondents No.1 & 2-decree holders have filed the execution petition wherein objections were filed by the petitioner-judgment debtor but the same have been dismissed by the learned Executing Court and further directed the concerned bailiff to execute warrants of possession by breaking the locks/door day time and after giving reasonable warning in the presence of respectables of the society. Hence, the revision petition.

3. Learned counsel for the petitioner submits that respondents No.1 & 2-decree holders had attached two site plans with the rent petition, each indicating different particulars about the geographical situation and location of the disputed shop.



These conflicted site plans do not depict the actual identity of the demised property. It is further submitted that unless and until appropriate corrections are not made regarding boundaries of the shop in question, physical possession to the decree holder cannot be given. The petitioner had filed the objections to the execution petition on the above-mentioned grounds, which have been dismissed by the learned Executing Court vide impugned order dated 09.07.2025 in a totally unlawful manner. It is also submitted that the learned Executing Court vide order dated 29.07.2025 (Annexure P-7) had wrongly held that possession of the property in question cannot be given to the decree holder without breaking the locks/door and without providing police help. The order of eviction dated 07.10.2024 filed by the learned Rent Controller has been challenged by the petitioner before the learned Appellate Court in appeal, which is pending consideration. Thus, in the given circumstances, the learned Executing Court ought not to have dismissed the objections filed by the petitioner to the execution proceedings and sought for setting aside of the impugned orders dated 09.07.2025 and 29.07.2025. Rather, it was also argued that since the decree is not executable as discussed above, a direction be given to the learned Rent Controller under Section 144 CPC for placing the parties in the position, which they have occupied before the execution. In this regard, reliance is placed upon the judgment passed by the Hon'ble Supreme Court in *Bhikchand s/o Dhondiram Mutha (deceased) through LRs Vs. Shamabai Dhanraj Gugale (deceased) through LRs 2024 (3) RCR (Civil) 157*.

4. Notice of motion to contesting respondents No.1 & 2 only.
5. Mr. Manmeet Singh Bindra, Advocate and Ms. Nandini Gupta, Advocate accepts notice for respondents No.1 and 2 and files their vakalatnama, which is taken on record.



6. Learned counsel for respondents No.1 and 2 submits that possession of the premises in question has already been taken by the respondents No.1 & 2/decree holders and therefore, the revision petition is not maintainable and seeks dismissal of the same as such.

7. Having heard learned counsel for the parties, this Court finds no force in the arguments advanced by learned counsel for the petitioner. Respondent No.1-Mini Bansal had filed the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, which was allowed and the petitioner-judgment debtor was granted two months time to vacate the demised premises and hand over possession to respondents No.1-decree holder. An execution petition was filed wherein objections were filed by the petitioner-judgment but the same have been dismissed vide impugned order dated 09.07.2025 by the learned Executing Court wherein it is categorically observed that there is nothing on record to show that identification of the demised premises is unclear. Moreover, this Court is of the view that Executing Court cannot go behind the decree/eviction order. The *ratio decidendi* relied upon by learned counsel for the petitioner in ***Bhikchand s/o Dhondiram Mutha (deceased) through LRs*** (supra), in the opinion of this Court, is not applicable to the facts of present case, as Section 144 Cr.P.C. applies to a situation where a decree or order is varied or reversed in appeal or any other proceeding or is set aside or modified in any suit instituted for the purpose, as has been held by the Hon'ble Supreme Court in ***Bansidhar Sharma (since deceased) rep by his Legal Representative Vs. The State of Rajasthan and others*** passed in Civil Appeal No.8400 of 2019 decided on 05.11.2019.



8. In view the above, this Court finds no error in the impugned orders dated 09.07.2025 and 29.07.2025 passed by the learned Executing Court. Resultantly, the instant petition stands dismissed.

9. Misc. application(s) pending, if any, also stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

August 11, 2025

Pankaj*

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