

2025:PHHC:098379



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

108

CR-5113-2025 (O&M)

Date of decision: 02.08.2025

Sukhraj Singh

...Petitioner

Versus

Deesha Mahi

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Vikas Bali, Advocate for the petitioner.

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**VIKAS SURI, J. (Oral)**

1. Prayer in this petition under Article 227 of the Constitution of India is for setting aside order dated 23.07.2025 (Annexure P-6), passed by learned Additional Civil Judge (Senior Division), Jalandhar in execution petition bearing No.Exe/365/2025, whereby the warrants of possession have been issued for 02.08.2025.

2. The brief facts of the case are that the respondent-landlord filed a petition under Section 13(2)(i) and (3) of the East Punjab Rent Restriction Act, 1949 (hereinafter referred to as the 'Rent Act') seeking ejectment of the petitioner-tenant on the grounds of arrears of rent and personal necessity. Upon notice of the petition and completion of the pleadings, the issues were struck. The parties led their respective evidence and upon consideration of the same, the rent petition was allowed vide judgment dated 28.05.2025 (Annexure P-1). An ejectment order was



passed against the petitioner-tenant, who was directed to handover the vacant physical possession of the demised premises to the respondent-landlord within two months from the date of passing of the said judgment. The petitioner on receipt of the certified copy of the aforesaid judgment, preferred an appeal before the Appellate Authority on 07.07.2025. The said appeal stands admitted for hearing, vide order dated 07.07.2025 (Annexure P-3). Along with the appeal, the petitioner had filed an application for staying the operation of the impugned judgment passed by the learned Rent Controller. Notice of the said application, along with the main appeal, was issued to the respondent for 03.09.2025.

3. Learned counsel for the petitioner has submitted that without waiting for the aforesaid period of two months to expire, the respondent-landlord filed an execution application on 11.07.2025. The learned Executing Court without perusing the judgment sought to be enforced, in a ministerial manner ordered issuance of warrant for possession, vide order dated 23.07.2025 (Annexure P-6). Pursuant to the aforesaid order, the warrant for possession (Annexure P-7) was issued, returnable for 02.08.2025.

4. Aggrieved by the aforesaid, the petitioner-tenant has challenged the same by way of the present petition.

5. I have heard learned counsel for the petitioner and with his able assistance perused the record.

6. Concededly, an eviction order has been passed against the petitioner vide judgment dated 28.05.2025 (Annexure P-3) passed by the



learned Rent Controller, Jalandhar. The operative part of the said judgment reads as thus:-

“Keeping in view above discussion, present petition is allowed and an ejection order under Section 13 of The Punjab Rent Act, is hereby, passed against the respondent, who is directed to hand over the vacant physical possession of the demised house, as fully described in the head note of the petition, to petitioner within two months of date of passing of this order, failing which the petitioner shall be entitled to get the same vacated through the process of the law. Further, the respondent is ordered to be evicted from the house in question on the ground of personal necessity. Memo of costs be prepared. File be consigned to the Record Room after due compliance.”

7. Perusal of the certified copy of the judgment dated 28.05.2025 would show that the same was applied for on the very next day of passing the judgment, i.e., 29.05.2025, which was prepared and delivered on 03.07.2025. The petitioner, without any loss of time, preferred an appeal before the Appellate Authority under the Rent Act on 07.07.2025, i.e., within four days of receiving the certified copy. The appeal preferred by the petitioner-tenant stands admitted for hearing vide order dated 07.07.2025. Along with the said appeal, the petitioner had also filed an application seeking stay of the operation of the impugned order. Notice of the appeal, as well as stay application was ordered to be issued to the respondent-landlord. The said proceedings are pending before the learned Appellate Authority for 03.09.2025.



8. Perusal of the operative part of the judgment and eviction order dated 28.05.2025 would show that the petitioner was granted two months time to handover the vacant physical possession of the demised house, failing which the respondent-landlord was entitled to get the same vacated through the process of law. Thus, the vacant possession was to be handed over to the respondent-landlord by 27.07.2025. The execution application (Annexure P-4) preferred by the respondent-landlord would show that the same was instituted on 11.07.2025, i.e., even before the time granted by the learned Rent Controller for handing over vacant possession of the demised house had expired. The learned Executing Court vide order dated 23.07.2025, ordered issuance of warrant for possession, which was also passed before the expiry of the time granted by the learned Rent Controller. Unmindful of the same, the learned Executing Court illegally proceeded to issue warrant for possession.

9. In view of the aforesaid, I am of the considered view that institution of the execution proceedings prior to 28.07.2025 was premature. Even if the same had been filed, it was incumbent upon the learned Executing Court to examine the order sought to be enforced. In the backdrop of the aforesaid discussion, a closer perusal of the impugned order dated 23.07.2025 would show that the said order has been passed in a routine manner and without proper application of mind. In the light of the same, the said order is not sustainable and hence, is liable to be quashed.

10. Resultantly, the present petition is allowed. The impugned



order dated 23.07.2025 (Annexure P-6) and the consequential warrant for possession (Annexure P-7) are hereby set aside. The learned Executing Court would proceed with the execution application, in accordance with law and subject to any stay order that may be passed by the learned Appellate Authority in Rent Appeal No.85 of 2025, pending for 03.09.2025.

11. Learned counsel for the petitioner has further made an oral prayer seeking interim protection during the interregnum, i.e., till 03.09.2025, which is the date of hearing before the Appellate Authority.

12. Keeping in view the peculiar facts and circumstances of the present case and the ministerial manner in which warrant for possession has been issued against the petitioner-tenant, even when the right to maintain the execution application had not accrued to the respondent-landlord on the date of its institution, dispossession of the petitioner-tenant shall remain stayed upto 03.09.2025, in the interest of justice. The petitioner-tenant would be at liberty to press his stay application pending before the Appellate Authority and the learned Appellate Authority concerned shall take up the same and on doing so, pass appropriate orders thereon, in accordance with law.

13. The revision petition is disposed of in the aforesaid terms.

August 02, 2025  
*sumit.k*

**(VIKAS SURI)**  
**JUDGE**

Whether speaking/reasoned :  
Whether Reportable :

Yes / No  
Yes / No