



CR-4244-2025 (O&amp;M)

-1-

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

(142)

CR-4244-2025 (O&amp;M)

Date of decision: - 06.08.2025

**Tarlok Singh (now deceased) through his legal representatives****....Petitioner****Versus****Jatinder Pal through his legal heirs****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Khushpreet Singh, legal representative (1)  
of petitioner Tarlok Singh (judgment debtor) in person .

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**VIKAS BAHL, J. (ORAL)**

1. Challenge in the present revision petition is to the order dated 31.05.2025 passed by the Civil Judge (Junior Division), Gurdaspur, vide which the objections dated 03.10.2024 and 17.03.2025 filed by legal representatives of the judgment debtor/Tarlok Singh had been dismissed.
2. Legal representative (number 1) of Tarlok Singh (judgment debtor) i.e. Khushpreet Singh, who is appearing in person, has submitted that the respondent/Jatinder Pal (now deceased), who had filed the eviction petition, was not the owner of the premises in question and thus, the eviction petition filed by him was not maintainable. It is further submitted that the respondent/Jatinder Pal had concealed the material fact that he is not the owner of the property and thus, was guilty of fraud. It is



argued that in view of the above-said two submissions, the judgment and decree in favour of the respondent/Jatinder Pal dated 30.08.2019, which had been upheld by the Appellate Court as well as by this Court, is inexecutable and the execution application, which is being pursued by the legal representatives of the respondent/Jatinder Pal is not maintainable and the objections filed by the present petitioner are meritorious and the rejection of the said objections vide order dated 31.05.2025 is illegal and deserves to be set aside and the execution petition deserves to be dismissed.

3. This Court has heard the legal representative of the petitioner (judgment debtor) who is appearing in person, and has perused the paper-book and finds that the impugned order dated 31.05.2025 is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons detailed hereinafter.

4. It is not in dispute that the respondent/Jatinder Pal (since deceased) had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act') for the ejection of Tarlok Singh (judgment debtor) from the shop in question, which is located on Tibri Road, Gurdaspur, within the Municipal Limits of Gurdaspur. The respondent/Tarlok Singh (since deceased) had not disputed the relationship of landlord and tenant nor had raised the plea that the said Jatinder Pal was not the owner of the premises in question, which fact is apparent from a bare reading of the judgment



dated 30.08.2019 and thus, the issues which had been framed are as under: -

- “1. Whether the applicant is entitled to shop for his bonafide requirement? OPA.
2. Relief.”

5. The Rent Controller, after considering the entire evidence on record, vide judgment dated 30.08.2019, was pleased to allow the said petition and granted the following relief to the respondent/Jatinder Pal (since deceased): -

***“(RELIEF)”***

*15. In the light of discussion, made herein above, the application of applicant succeeds and is hereby allowed and an order of ejectment is hereby passed against the respondent on the ground that demised premises are required for personal requirement of applicant. Respondent is directed to vacate the shop in dispute within two months from the date of decision. Memo of costs be prepared. File be consigned to the Record Room, Gurdaspur after due compliance.”*

6. Against the said judgment, an appeal was filed. A perusal of Annexure A-4, which is the judgment dated 23.04.2024 passed by the Appellate Court, would show that the legal representatives of Tarlok Singh who are now pursuing the present revision petition and who had raised one objection after another before the executing Court, were impleaded as his legal representatives and were thus very well aware of the said proceedings. In para 6 of the judgment, it was noticed by the Appellate Authority that Khsupreet Singh (LR No.1) wanted to address arguments in person. In para 7 of the judgment, the Appellate Authority noticed the arguments raised by the said Khushpreet Singh. No arguments



denying the relationship of landlord and tenant or to the effect that Jatinder Pal was not the owner of the shop were raised. The Appellate Court after considering the entire record, dismissed the appeal filed by Tarlok Singh through his legal representatives, vide judgment dated 23.04.2024 (Annexure A-4).

7. The petitioner through his LRs filed RSA-1431-2024, which was subsequently converted into a civil revision, challenging the judgments of the Rent Controller and the Appellate Authority. The same was dismissed vide judgment dated 22.05.2024, relevant portion of which is reproduced herein-below: -

*“Present:- Sh.Khushpreet Singh, appellant in person*

**ANIL KSHETARPAL, J (Oral)**

1. *The appellant appears in person. He has filed Regular Second Appeal against the concurrent orders passed by the Rent Controller, which in appeal has been upheld by the appellate authority, while ordering his eviction. The Regular Second Appeal is not maintainable because the impugned orders are revisable under Section 15 of the East Punjab Urban Rent Restriction Act, 1949. Hence, this appeal is ordered to be treated as revision petition. The office is directed to re-number the present appeal as civil revision.*

2. *The petitioner contends that the landlord is the owner of as many as three shops. He submits that two shops are in the front of his house whereas the third one is located in Andaruni Bazaar. Both the authorities have examined this aspect and found that the shop located in Andaruni Bazaar is in the possession of petitioner's son, who is running his gold jewellery business. The respondent is running a steel furniture shop, however, now he wants to open a big showroom of diamond and gold jewellery in order to expand his business and settle his grandson, who has become major. Both the courts have already appreciated this fact. The scope of interference in the rent revision*



*petition is limited in view of the judgment passed by the Supreme Court in Hindustan Petroleum Corporation Limited vs. Dilbahar Singh' (2014) 9 SCC 78.*

3. *Though, the learned counsel representing the petitioner made sincere attempt, however, failed to draw the attention of the Court to any error in appreciation of evidence or perversity in the impugned orders.*

4. *Keeping in view the aforesaid facts, no ground to interfere is made out.*

5. *Hence, dismissed.*

6. *All the pending miscellaneous applications, if any, are also disposed of.”*

A perusal of the above would also show that no argument disputing the ownership of the landlord or the relationship of landlord and tenant between the parties was raised by Khushpreet Singh, who had appeared in person.

8. It is not in dispute that the execution petition was filed by the respondent/Jatinder Pal through his legal representatives/deed holder in the year 2024. Legal representatives of the judgment debtor/Tarlok Singh, who were also parties before the Appellate Authority, had filed objections dated 03.10.2024 and 17.03.2025. The executing Court vide order dated 31.05.2025 dismissed the said objections. A perusal of the order dated 31.05.2025 (Annexure A-1) would show that the arguments raised on behalf of the legal representatives of the judgment debtor to the effect that the respondent/Jatinder Pal was not the owner of the property and thus, the judgments had been obtained by fraud, were rejected by the executing Court by observing that the definition of term “Landlord” in the 1949 Act clearly showed that for a person to be a landlord, it is not



necessary that he should be the original owner of the rented property. It was further observed that before the Rent Controller and in the eviction proceedings, Tarlok Singh had not disputed the relationship of landlord and tenant and had rather admitted that he was a tenant of Jatinder Pal. It was observed that the grounds which were sought to be raised during the course of the execution could have been raised in the trial Court or in the appeal against the judgment of the Rent Controller or further in the revision petition against the same and that the executing Court could not go beyond the decree. It was further observed that even the allegation of fraud and the ground of concealment were baseless and that there was nothing on record to substantiate the said pleas.

9. It was observed that several objections of the legal representatives of the judgment debtor on the aspect of legal representatives of the decree holder pursuing the execution petition had already been decided vide orders dated 11.03.2025 and 17.03.2025 and the said orders had attained finality. It was further observed that the legal representatives of the judgment debtor were unnecessarily filing objections only to delay the proceedings and the Hon'ble Supreme Court in its recent judgment titled as “**Rahul S. Shah Vs. Jinendra Kumar Gandhi and others**”, reported as (2021) 6 SCC 418 had specifically directed the executing Court to dispose of the execution proceedings within a period of six months from the date of its filing. The direction of the Hon'ble Supreme Court passed in the said judgment, wherein the Court found that the objection or resistance is frivolous or malafide, then,



it would be open to grant compensatory costs, was also taken note of in the order dated 31.05.2025, which has been challenged by the legal representatives of the judgment debtor before this Court. The said order is absolutely in accordance with law and deserves to be upheld.

10. The above-said facts clearly show that the legal representative of the judgment debtor Tarlok Singh i.e. Khushpreet Singh (etc.), who is appearing in person, has made every endeavour to delay the execution proceedings. The eviction petition under Section 13 of the 1949 Act was instituted in the year 2015 and after a period of 3 years, 10 months and 23 days, judgment in the same was passed on 30.08.2019 and an eviction order was passed in favour of the landlord after due contest. The appeal against the same was dismissed on 23.04.2024 and further challenge to the same was rejected by this High Court on 22.05.2024. The execution petition was filed on 11.07.2024 and on account of various applications/objections filed on behalf of legal representatives of Tarlok Singh, various orders including orders dated 11.03.2025 (Annexure A-13) and 17.03.2025 (Annexure A-12) had been passed which have not been challenged in the present revision petition. Vide order dated 31.05.2025, even the further objections filed by the legal representatives of judgment debtor have been dismissed. The plea raised by the legal representative of the petitioner, who is appearing in person, that the respondent was not the owner of the property is baseless, as had also been observed by the executing Court. No such argument was raised on behalf of the judgment debtor/tenant before the Rent Controller or the Appellate Authority or



before the High Court, in the eviction proceedings. The tenant-Tarlok Singh had infact admitted the relationship of landlord and tenant before the Rent Controller and since the relevant factor in an eviction petition is the aspect as to whether there exists a relationship of landlord and tenant, thus, after considering all the arguments raised on behalf of both the parties, the Rent Controller had passed the eviction order. It is a matter of settled law that the executing Court cannot go beyond the decree.

11. The arguments sought to be raised before the executing Court and before this Court cannot be entertained either by the executing Court or by this Court in its revisional jurisdiction while considering the validity of the order passed before the executing Court. Even the pleas raised before this Court are contrary to the pleas raised by Tarlok Singh in the eviction proceedings. Due opportunities were given by the Rent Controller to both the parties to lead their evidence and there was nothing placed on record to even remotely show that there was any fraud by the landlord in the said proceedings. Legal representatives of the judgment debtor are holding illegal possession of the property in question by delaying the execution. It is a fit case where exemplary costs should be imposed on the LR of the petitioner, however, in view of the fact that the legal representative of the petitioner/Khuspreet Singh is appearing in person, this Court restrains itself from imposing any such costs but warns the legal representative of the judgment debtor that in case he indulges in future frivolous litigation,, then, the same would be met with a heavy hand.



**CR-4244-2025 (O&M)**

**-9-**

12. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the impugned order dated 31.05.2025 is in accordance with law and deserves to be upheld and is accordingly, upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

13. Pending application, if any, stands disposed of in view of the above-said order.

**August 06, 2025**  
*naresh.k*

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	Yes