

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-7312-2025 (O&M)****Date of Decision : 14.10.2025**

Sudesh Bala

... Petitioner

Versus

Mithilesh Kumar Jha and Another

... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Abhishek Sanghi, Advocate for the petitioner.

Ms. Shreyansi Verma, Advocate and

Mr. Shubham Gupta, Advocate for respondent No.1

**ALKA SARIN, J. (Oral)**

1. Present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 01.10.2025 whereby the application filed under Order XIV Rule 5 of the Code of Civil Procedure, 1908 by the third-party objector, namely, Sudesh Bala (petitioner herein), has been dismissed.

2. For deciding the present *lis* the facts which are necessary are being adverted to. Respondent No.1 herein filed a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 for eviction of respondent No.2 from the tenanted premises i.e. Plot/Villa No.W-03 Uppal South End, Sohna Road, Sector 49, Gurugram (Haryana). Respondent No.2 – Rajinder Singh Yadav – was impleaded as a party in the said petition. Though no written statement was filed in the said petition, on an application for

assessment of rent a reply was filed by the said respondent (respondent No.2 herein) wherein he did not deny the lease agreement between the parties. Vide order dated 12.01.2024 the provisional rent was assessed which was not paid by him. Since the provisional rent was not paid, vide order dated 31.08.2024 (Annexure P-2) the respondent therein i.e. Rajinder Singh Yadav (respondent No.2 herein) was directed to handover the vacant possession of the premises within 30 days from the date of the order. It has been brought to the notice of the Court by learned counsel for respondent No.1 that no appeal has been preferred by Rajinder Singh Yadav till date. Respondent No.1 herein filed for execution and the possession of the demised premises was handed over to respondent No.1 on 26.10.2024 through the process of court. Subsequently, on an application for restitution which was filed by the petitioner herein, the possession was restored to the petitioner. In the execution proceedings, wherein objections have been filed by the present petitioner, issues were framed vide order dated 19.09.2025 (Annexure P-6) by the Executing Court, which read as under :

*“1. Whether the third-party objector Sudesh Bala has any independent tenancy rights over the demised premises*

*? OPO*

*2. Whether the third-party objector made rental payments in her independent capacity or on behalf of judgment debtor Rajinder Singh Yadav ? OPO*

*3. Relief.”*

3. The petitioner herein had approached this Court by filing CR-3232-2025 which was disposed off vide order dated 07.07.2025 wherein counsel for the petitioner had specifically undertaken that the counsel for the

petitioner would fully assist the Court in expeditious disposal of the said objections. Learned counsel for respondent No.1 has pointed out that on 09.10.2025 the petitioner herein failed to lead any evidence and the matter was adjourned to today and even today no evidence has been led by the petitioner before the Executing Court despite the undertaking of the counsel for the petitioner that they would assist the Court in expeditious disposal of the execution petition. On 29.09.2025 an application was filed by the petitioner under Order XIV Rule 5 CPC for amendment and for framing of an additional issue, which reads as under :

*“Whether the third-party objector, who is in possession of the demised premises, is in the shoes of the Judgment-Debtor and is bound by the decree ? ODH”*

4. The said application has been dismissed vide the impugned order dated 01.10.2025. Hence, the present revision petition.

5. Learned counsel for the petitioner would contend that the onus of issue No.1 has been cast upon the petitioner however the onus of the issue which the petitioner now wants to be framed has to be cast upon respondent No.1.

6. *Per contra* learned counsel for respondent No.1 would contend that the objections have been filed by the petitioner and it is for her to show that she has an independent right in the suit property.

7. Heard.

8. In the present case the respondent No.1-landlord has been litigating since 18.10.2022. It is to be noted that the petitioner herein is one of the signatories as a witness to the lease deed on the basis of which the rent petition was filed. Though in the Court today learned counsel for the petitioner

has denied the signatures of the petitioner on the lease deed as an attesting witness however while contesting the case respondent No.2 – Rajinder Singh Yadav – had not raised any such objection regarding him not being the tenant or regarding the fact that the petitioner was the tenant in the suit property. Be that as it may, the matter is now pending before the Executing Court which has framed three issues vide order dated 19.09.2025. Issue No.1 is “*Whether the third-party objector Sudesh Bala has any independent tenancy rights over the demised property ? OPO*”. The said issue would cover the issue now the petitioner wants to be framed “*as to whether third-party objector who is in possession of the suit property is in the shoes of the judgment-debtor?*”. Once a finding comes that the petitioner has an independent right in the suit property, automatically the petitioner would be held to be not bound by the judgment which has been passed in the eviction petition. If the petitioner is able to prove her independent right as a tenant in the suit property it goes without saying that she cannot be held to be bound by the order passed in the eviction petition.

9. As noticed above, the petitioner, despite having given an undertaking to this Court, as recorded in order dated 07.07.2025 passed in CR-3232-2025 that the counsel would assist in an expeditious disposal of the said objections, appears to be delaying the proceedings by not leading her evidence and is filing frivolous applications.

10. Hon’ble Supreme Court in the case of **Periyammal (dead) through LRs & Ors. V/s V. Rajamani & Anr. [2025 SCC Online (SC) 507]** has issued following directions :

*“75. In view of the aforesaid, we direct all the High Courts across the country to call for the necessary*

*information from their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports.”*

11. Keeping in view the mandate of law as also the fact that issue No.1 as framed by the Executing Court on 19.09.2025 would cover the issue now sought to be framed qua which the application has been filed, this Court does not find any merit in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

12. Further, in view of the law laid down by Hon’ble Supreme Court in case of **Periyammal** (supra), the Executing Court is requested to dispose off the present execution petition as expeditiously as possible.

13. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

14.10.2025

jk

( **ALKA SARIN** )

**JUDGE**

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