



CR-5814-2025 (O&amp;M)

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

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**CR-5814-2025 (O&M)  
Decided on 02.09.2025**

Parveen Kumar Garg

....Petitioner

VERSUS

Raj Kumar and Others

....Respondents

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. S.K.Jindal, Advocate for the petitioner.

Mr. Rakesh Gupta, Advocate for respondents No.1 to 3.

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**MANDEEP PANNU J.****Part-A**

1. The present revision petition has been filed by the petitioner, a third-party objector, challenging the order dated 13.08.2025 passed by the learned Additional Civil Judge (Senior Division), Kaithal, in Execution Petition No. EXE-125/2019, whereby the application moved by the petitioner for impleading the Haryana Waqf Board as a party in the execution petition was dismissed.

**Brief Facts**

2. Respondents No.1 to 4, being decree holders, had obtained an eviction order against the judgment-debtor Vipin Kumar vide judgment dated 25.02.2019 passed in Rent Petition No. 1782 of 2014 by the Rent Controller, Kaithal, on the ground of arrears of rent and personal necessity. In order to enforce the eviction decree, the decree holders filed the execution petition.

3. During pendency of the execution, the present petitioner, brother of the judgment-debtor, moved an application for impleading the Haryana Waqf



Board as a necessary party, claiming that the land on which the tenanted premises is situated belongs to the Waqf Board, which had leased it out to the Municipal Committee, Kaithal, for 99 years vide lease deed dated 07.12.1967, and that subsequently the Board had resumed possession of the premises and re-leased it out to the petitioner himself. On this basis, the petitioner contended that the decree was inexecutable and that Waqf Board being the true owner ought to be added as a party.

4. The learned Executing Court, after considering the rival submissions, dismissed the application vide impugned order dated 13.08.2025. Aggrieved by the same, the petitioner has preferred the present revision.

**Arguments of the Petitioner**

5. Learned counsel for the petitioner has reiterated the grounds taken in the revision petition. It is submitted that the Rent Controller, Kaithal, while passing the eviction order dated 25.02.2019, had no jurisdiction to entertain the matter in view of Section 85 of the Waqf Act, 1995, as the property is admittedly the Waqf property. It is argued that neither the Waqf Board nor the petitioner was impleaded in the original eviction proceedings and therefore the decree passed is not binding upon them.

6. It is contended that the Waqf Board is the necessary and proper party in the execution, as the matter directly involves its ownership and control over the tenanted premises. It is argued that the decree holders/respondents No.1 to 4 have no concern with the property once the lease in favour of the Municipal Committee came to an end, and any order of eviction obtained by them cannot be enforced against the rights of the Waqf Board or the petitioner claiming through the Waqf Board.



7. Learned counsel further argued that unless the Haryana Waqf Board is impleaded in the execution petition, the controversy cannot be effectively adjudicated, and multiplicity of proceedings will arise. He prayed for setting aside of the impugned order dated 13.08.2025 and for allowing impleadment of the Waqf Board in the execution proceedings.

**Arguments of the Respondents**

8. On the other hand, learned counsel for the respondents/decreed holders has opposed the petition. He has reiterated the submissions which were advanced before the Executing Court. It is contended that the present application was only a device to delay the execution of the eviction decree which had attained finality on 25.02.2019. The petitioner is none else but the real brother of the judgment debtor, and therefore has no independent locus to intervene in the matter.

9. It is further argued that the Rent Controller had passed the eviction order against the tenant Vipin Kumar, and the present execution is only for enforcing that order. The question of title, ownership, or leasehold rights of the Waqf Board or the Municipal Committee are wholly outside the scope of the execution petition. The Executing Court cannot go behind the decree, nor can it reopen questions that were never raised in the eviction proceedings.

10. Counsel submitted that the application was devoid of merits, more so when a similar prayer to implead the Waqf Board had been earlier rejected in the main proceedings. He prayed for dismissal of the revision petition with costs.

**Findings**

11. I have considered the submissions of both sides and carefully perused the record.



12. The eviction order dated 25.02.2019 passed in Rent Petition No. 1782 of 2014 has attained finality and has not been shown to be set aside by any competent forum. The execution petition is limited to enforcement of the said eviction decree. The law is well settled that the Executing Court cannot go behind the decree and cannot examine questions of title or ownership which were not the subject matter of the eviction proceedings.

13. The plea of the petitioner that the property belongs to the Waqf Board and that he has obtained a lease from the Board is a matter extraneous to the scope of the execution petition. Such questions may be agitated in independent proceedings, but they cannot be allowed to derail the execution of a decree already passed after due adjudication by a competent Rent Controller.

14. The learned Executing Court has rightly noted that the judgment debtor never raised any plea regarding surrender of the premises to the Waqf Board during the eviction proceedings. The belated attempt by his brother, the present petitioner, to set up the rights of the Waqf Board is clearly collusive and aimed only at delaying the execution. The trial court has also recorded that the provisions of the Waqf Act are not attracted in the present execution as no proceedings for eviction were ever initiated by the Waqf Board against the Municipal Committee or the decree holders.

15. Once the decree was passed in favour of the decree holders against the judgment debtor Vipin Kumar, the execution can only proceed against the judgment debtor in accordance with law. The impleadment of the Waqf Board is neither necessary nor proper for enforcement of the eviction order.

**Conclusion**

16. This Court, in exercise of revisional jurisdiction, finds no infirmity or perversity in the reasoning adopted by the Executing Court. The impugned order dated 13.08.2025 does not call for interference.

**Part-B**

1. By way of the present revision petition, petitioner has also challenged impugned order dated 13.08.2025 passed by the learned Additional Civil Judge (Senior Division), Kaithal, whereby the objection under Order XXI Rule 97 of the Code of Civil Procedure, 1908 filed by the petitioner/third party objector was dismissed.

2. At the very outset, it deserves to be noticed that the petitioner is a third-party objector. The law is well settled that no civil revision lies against an order passed on third-party objections in execution proceedings. Such an order is appealable under the Code of Civil Procedure. Once a specific remedy of appeal is available, the revisional jurisdiction of this Court cannot be invoked.

3. In view of the matter, the present revision petition is not maintainable. The petitioner, if so advised, may avail of the appropriate statutory remedy in accordance with law.

4. Accordingly, the revision petition is dismissed and order dated 13.08.2025 passed by the learned Additional Civil Judge (Senior Division), Kaithal, whereby the objection under Order XXI Rule 97 of the Code of Civil Procedure, 1908 filed by the petitioner/third party objector was dismissed, is upheld.

**Part-C**

1. The petitioner has also challenged impugned order dated 13.08.2025 passed by the learned Additional Civil Judge (Senior Division), Kaithal, whereby the warrants of possession of the demised premises has been issued.
2. In view of the findings given hereinabove, no interference is called for in the order dated 13.08.2025, whereby the warrants of possession of the demised premises has been issued. Accordingly, the present revision petition is dismissed and order dated 13.08.2025 is upheld.
3. Pending application(s), if any, also stand disposed of.

September 02, 2025  
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**(MANDEEP PANNU)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No