

**133 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR No.3240 of 2025****Date of Decision: May 26, 2025****Gurbachan Singh****. . . . Petitioner**

Vs.

Gurdev Sahai Marwaha

. . . RESPONDENT**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Manvender Chauhan, Advocate for the petitioner.**DEEPAK GUPTA, J.**

By way of present petition filed under Article 227 of the Constitution of India, petitioner has assailed the order dated 21.05.2025 (*Annexure P-1*) passed by the Executing Court, whereby objections of the petitioner have been dismissed; his application for staying the operation of order dated 18.03.2025 of Ld. Rent Controller has been dismissed and warrants of possession have been issued with direction to the Bailiff to break open the locks and take possession of the premises.

2. A perusal of the paper book would reveal that Shri Gurdev Sahai Marwaha (*respondent herein*) filed eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejection of the tenant - Gurbachan Singh (*petitioner herein*) from the demised premises on the ground of non-payment of rent. The tenant, i.e. petitioner herein was contended to be tenant vide a lease agreement executed and registered on 03.01.2018 and another agreement dated 10.01.2018. It was claimed that arrears of rent amounting to ₹9,25,000/- besides electricity and water charges had not been paid despite legal notice dated 05.06.2020 sent to the respondent-tenant.

3. The Rent Controller passed an order dated 20.08.2024 making assessment of the provisional rent and adjourned the matter to 03.10.2024

for payment of rent. Said order was assailed by the tenant (*petitioner herein*) before the Appellate Authority, but the appeal was dismissed on 07.03.2025. By relying upon "**Rakesh Wadhawan v. M/s Jagdamba Industrial Corporation**", 2002(1) RCR, 514, the Rent Controller, Chandigarh vide order dated 18.03.2025 allowed the petition for eviction of the tenant, i.e. petitioner herein. Appeal against the said ejection order is stated to be pending before the Appellate Authority.

4. In the meantime, the landlord filed execution petition, wherein the impugned order dated 21.05.2025 (*Annexure P-1*) has been passed, whereby objections of the petitioner were dismissed.

5. Assailing the aforesaid order, it is contended by learned counsel for the petitioner that identity of the alleged landlord was in dispute, as he had disclosed his father's name differently and so until the identity of the landlord is established, he (*petitioner herein*) could not be sure to whom the rent was to be paid. Learned counsel contends further that against the ejection order dated 18.03.2025, the appeal is still pending before the Appellate Authority and therefore, till his appeal is decided, he should not be dispossessed and warrants of possession deserve to be recalled.

6. After hearing learned counsel for the petitioner at considerable length, this Court does not find any merit in the contention. It is conceded position that rent was assessed provisionally by the Rent Controller vide order dated 20.08.2024 and petitioner herein was given opportunity to pay the provisionally assessed rent on 03.10.2024. He assailed this order, but the Appellate Authority maintained the same as per order dated 07.03.2025. In the circumstances, when ejection has been allowed for non-payment of provisionally assessed rent, in the light of legal position explained in **Rakesh Wadhawan's** case (*supra*), the Executing Court was justified in not entertaining the objections simply for the reason that the appeal was still pending before the Appellate Authority.

7. This Court does not find any perversity or illegality in the impugned order dated 21.05.2025 (*Annexure P-1*) passed by the Executing

Court. As such, holding the present petition to be devoid of any merit, the same is hereby dismissed.

May 26, 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No