



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(138)

CR No.1702 of 2025 (O&M)  
Date of Decision: 20.03.2025

**Davinder Singh**

...Petitioner

Versus

**Sharanjit Kaur and another**

...Respondents

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Dr. Sumati Jund, Advocate  
for the petitioner.

\*\*\*\*

**VIKRAM AGGARWAL, J (ORAL)**

1. The present revision petition is directed against the order dated 12.03.2025, passed by the Court of learned Additional Civil Judge (Sr. Division), Rupnagar, vide which the objections submitted by the petitioner/tenant against execution of the order of eviction was dismissed.

2. The facts emanating from the revision petition are that the respondents/landlords had instituted an eviction petition under Section 13 of the East Punjab Rent Restrict Act, 1949 (for short 'the Rent Act') against the petitioner/tenant for eviction from Shop No. 390 situated on Morinda Chandigarh Road, District Rupnagar on the ground of non-payment of rent, unauthorized structural modifications, *bona fide* necessity, nuisance, attempted encroachment etc (Annexure P-1). The same was opposed by way of a reply (Annexure P-2). The eviction petition was allowed vide order dated 01.12.2023 (Annexure P-2/A) passed by the Court of learned Rent Controller, Rupnagar. Aggrieved by the said order of eviction, an appeal

(Annexure P-3) was preferred by the petitioner. In the meantime, execution proceedings were initiated by the respondent-Landlord against the petitioner/tenant. The petitioner/tenant filed objections to the said execution proceedings which have been dismissed vide the impugned order 12.03.2025, leading to the filing of present revision petition.

3. I have heard learned counsel for the petitioner.

4. Learned counsel has strenuously urged that the order of eviction is not sustainable and the appeal is likely to succeed on merits. She further submits that the petitioner has been in possession of the demised premises since 2013 and requires some time, even if the eviction order is to be honoured, to vacate the demised premises. She submits that the objections filed by the petitioner were not considered on merits but were decided simply on the ground that since there was no stay in the appeal preferred by the petitioner against the eviction order, there was no question of continuing with the objections. She further submits that the said order is also not sustainable.

5. I have considered the submissions made by learned counsel for the petitioner, but find the same to be devoid of any merit.

6. Admittedly, eviction order dated 01.12.2023 was passed by the Court of learned Rent Controller, Rupnagar. Aggrieved by the same, an appeal was preferred by the petitioner which is stated to be pending. It is also an admitted fact that no stay has been granted by the Appellate Authority, which is so stated by learned counsel for the petitioner. The order dated 19.12.2023 (Annexure P-4) shows that notice had been issued in the appeal for 20.02.2024 and it was noticed by the Appellate Authority that before granting ex parte stay, the respondents therein were required to be

heard. No subsequent order has been brought to the notice of the Court. It is not known as to whether the stay was specifically declined or not, and what was the reason for the same.

7. Be that as it may, in the absence of any stay, there was no occasion for the executing Court to stay its hands. It has rightly been observed by the executing Court in the impugned order that in terms of the directions issued by the Supreme Court of India in *Rahul S. Shah Vs. Jinendra Kumar Gadhi and others, in Civil Appeal Nos. 1659-1660 of 2021*, the execution petitions are required to be decided within a period of six months.

In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)  
JUDGE

March 20, 2025

Rekha

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No