



CR-6748-2025 (O&M)

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

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**CR-6748-2025 (O&M)
Decided on :- 22.09.2025**

Akhil Ahmed

...Petitioner

VERSUS

Usha Sharma

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Ashwani Bhardwaj, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present civil revision petition under Article 227 of the Constitution of India has been directed against the impugned order dated 15.09.2025 passed by the learned Civil Judge (Junior Division), Chandigarh in Execution Petition No. 631/2023, arising out of Rent Petition No. 1554/2007 decided on 22.04.2013, whereby the objections filed by the petitioner/judgment debtor were dismissed and warrants of possession were ordered to be issued.

Brief Facts

2. Briefly stated, respondent-landlady had filed Rent Petition No. 1554/2007 under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking eviction of the petitioner from Booth No. 162, Motor Market, Manimajra, Chandigarh, on account of non-payment of rent. Vide order dated 22.04.2013, the learned Rent Controller allowed the petition and assessed arrears of rent up to 31.03.2007 at the rate of Rs. 3221.02 per month, granting three months' time to the tenant to deposit the same. It was further directed that in case of default, eviction shall follow.



3. The appeal preferred by the tenant was dismissed on 03.04.2015 by the Appellate Authority, Chandigarh. Against that, Civil Revision No. 5016 of 2015 was filed before this Court, wherein vide interim order dated 15.10.2015, the petitioner-tenant was directed to deposit arrears up to 31.10.2015 and to continue to pay future rent by the 7th of each month. It was further observed that in the event of a single default, the stay shall stand vacated and the landlord shall be entitled to execute the eviction order forthwith.

4. Despite these directions, the petitioner defaulted in payment of rent for February 2016 and again for January 2018. Consequently, Execution Petition No. 1307 of 2018 was filed by the decree-holder. The objections raised therein were dismissed by the Executing Court on 18.02.2020, and warrants of possession were ordered. During pendency of the said execution, Civil Revision No. 5016 of 2015 was withdrawn on 23.11.2023, whereafter the decree-holder also withdrew Execution Petition No. 1307 of 2018 on 19.01.2024. Meanwhile, a second Execution Petition i.e. Execution No. 631/2023 had already been instituted on 30.11.2023, leading to the impugned order dated 15.09.2025, dismissing the petitioner's objections and directing issuance of warrants of possession.

5. The Executing Court, after hearing the parties, rejected the objections filed by the judgment debtor. It was held that:-

- i) the decree dated 22.04.2013 as upheld in appeal and revision had clearly assessed rent with annual 10% increase in terms of the Rent Note, yet the tenant continued to deposit only Rs. 3221.02/- per month.
- ii) Defaults in February 2016 and January 2018 stood admitted.



- iii) Filing of second execution during pendency of the first was of no consequence since the earlier execution was withdrawn after the withdrawal of Civil Revision No. 5016 of 2015.
- iv) Objections already decided in Execution No. 1307/2018 could not be re-agitated.
- v) Reliance was placed on *Meera Devi (D) through LRs v. Dinesh Chandra Joshi (D) through LRs, Civil Appeal No. 5577/2014, decided on 19.09.2024*, holding that even failure to pay rent during pendency of litigation entails eviction.

Accordingly, the objections were dismissed and warrants of possession were ordered to be issued.

Submissions of learned counsel for the petitioner

6. Learned counsel for the petitioner has assailed the impugned order primarily on the grounds that the second execution petition filed during pendency of the first execution was not maintainable in law, as Execution No. 1307/2018 was withdrawn only on 19.01.2024. The decree-holder failed to specify the exact period or quantum of arrears/default in the present execution petition and yet sought warrants of possession. The decree dated 22.04.2013 only assessed arrears of rent up to 31.03.2007 at Rs. 3221.02, which had been complied with by the petitioner. Any further claim for mesne profits or future rent could only be made by way of a fresh petition, not through execution. The petitioner has regularly deposited rent at Rs. 3221.02 per month and filed affidavits evidencing compliance. The executing court misapplied the ratio in *Meera Devi v. Dinesh Chandra Joshi (supra)* and travelled beyond the decree, thereby committing a jurisdictional error and warranting interference under Article 227.

**Findings**

7. I have heard learned counsel for the petitioner and have gone through the record.

8. Coming to the first and foremost objection regarding the maintainability of the second execution petition, this Court finds no substance in the argument raised on behalf of the petitioner. It is not in dispute that Execution No. 1307 of 2018 had been filed earlier by the decree-holder for violation of the conditional eviction order dated 22.04.2013. In that execution also, the petitioner had raised similar objections which were dismissed on 18.02.2020, and warrants of possession were directed to be issued. That order was never set aside. During the pendency of the said execution, Civil Revision No. 5016 of 2015, arising out of the original eviction proceedings, continued before this Court until it was withdrawn by the tenant on 23.11.2023. Once the civil revision stood withdrawn, the decree-holder rightly moved for withdrawal of the first execution petition as it had become infructuous, and the same was formally disposed of on 19.01.2024.

9. The fact that the decree-holder had already instituted a second execution petition on 30.11.2023, i.e. during the pendency of the first, does not render the same non-maintainable. It is well settled that there is no statutory bar under the Code of Civil Procedure or under the Rent Restriction Act against filing a fresh execution petition while another is pending, provided that no conflicting relief is being pursued. The object of execution is to enforce the decree, and mere technicality of pendency of the first execution does not defeat the substantive right of the decree-holder once the earlier proceedings have been withdrawn. In any case, once Execution No. 1307 of 2018 was withdrawn on 19.01.2024, the subsequent execution automatically became the operative proceeding, and it is this



petition which has been decided by the executing court. The contention that the second execution was not maintainable is, thus, without merit and is liable to be rejected.

10. Having settled this preliminary objection, the other grounds raised by the petitioner equally do not advance his case. The record establishes beyond doubt that the tenant has been depositing only Rs. 3221.02/- per month without applying the 10% yearly increase stipulated in the Rent Note and reiterated by the eviction order and by this Court's order dated 15.10.2015. The admitted defaults of February 2016 and January 2018 further establish violation of the conditional order. Once the tenant failed to honour the directions, the eviction order became operative and enforceable.

Conclusion

11. Therefore, this Court finds no error or illegality in the impugned order passed by the executing court. The objections raised by the judgment debtor are unsustainable, and the warrants of possession have rightly been ordered to be issued.

12. Accordingly, the present civil revision petition is dismissed.

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

September 22, 2025
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(MANDEEP PANNU)
JUDGE

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