



129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3716-2025 (O&M)

Date of decision : 02.07.2025

Pawan Kumar and others

...Petitioners

Vs.

Kuldeep Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ritesh Aggarwal, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (Oral)

1. The petitioners herein assail the correctness of an order passed by the Appellate Authority remitting the matter back to the Executing Court for fresh decision after framing the following issues:-

- "1. Whether the Third Party Objector is in possession of the demised shop?OPTP
2. If so, what is the legality of such possession? OPTP
3. Whether the executing court i.e. Ld. Rent Authority has any longer the jurisdiction to try the execution? OPDH
4. Whether the Third Party Objector is acting in collusion with the JD?OPDH"

2. The Appellate Authority has also ordered that the third party objector shall be provided with three effective opportunities spread over a period of 40 days to lead their evidence.

3. In order to comprehend the issues involved in the present case, relevant facts, in brief, are required to be noticed.



4. The petitioners are the owners of the property in dispute. They let out the same in favour of respondents No. 2 and 3. The appellants entered into an agreement to sell the same property in favour of third party objector on receipt of entire sale consideration of Rs. 70,00,000/- on 15.01.2021, while delivering the possession of the property. Subsequently, the tenant attorned the tenancy in favour of the third party objector. The suit filed by third party objectors for specific performance of the agreement to sell is pending. In the agreement to sell duly signed by the appellants, delivery of possession in favour of third party objector is acknowledged. On 21.09.2023, the petitioners filed an eviction petition against the tenant under the Punjab Rent Act, 1995. On the application filed by the petitioners, the Rent Controller assessed the provisional rent, which was not paid. Hence, the eviction order was passed by the Rent Controller. In execution proceedings arising from eviction order passed in the rent petition, objections were filed by the third party objectors, which were dismissed by the Executing Court but allowed by the First Appellate Court while remitting the matter back to the Executing Court.

5. Learned counsel representing the petitioners contends that an application filed by the third party objectors in the rent petition was dismissed and injunction application filed by the objector in a suit for specific performance has also been dismissed.

6. This Court has considered the submission made by the learned counsel representing the petitioners.

7. Dismissal of the application for impleadment would not estop the third party objector to file the objection petition. Moreover, dismissal of stay



application in a suit filed by the third party objector will not operate as *res judicata*. The Appellate Authority has only remitted the matter back to the Executing Court directing the parties to lead evidence. Specific directions have been issued to decide the objection petition within a specified time. There is a written agreement to sell duly signed by all the appellants acknowledging delivery of possession on receipt of total sale consideration.

8. Additionally, the order of eviction passed by the Rent Controller is binding on the tenant who has been ordered to be evicted but not upon the third party objector whose claim is based upon independent contract.

9. Hence, this Court does not find it appropriate to interfere with the order passed by the First Appellate Court. However, the Executing Court is requested to make sincere endeavor for expeditious disposal of the objection petition as directed by the First Appellate Court.

10. The revision petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

02.07.2025

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No