



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

**CR-5656-2017(O&M)**

**Date of Decision: August 20, 2025**

Jaswinder Singh through his LRs

...Petitioner

Versus

Gurpreet Singh

...Respondents

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.Kulvir Narwal, Advocate  
for the petitioner.

Mr.Arshdeep Bhullar, Advocate  
for the respondent.

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**ARCHANA PURI, J.**

Challenge in the present revision petition is to the order dated 31.07.2017, whereby, the objections filed by the petitioner were dismissed by learned Executing Court.

In pursuance of the notice issued, respondent made appearance through counsel.

Learned counsel for the parties heard.

The facts germane, to be noticed, are as follows:-

That, initially, respondent-Gurpreet Singh had filed ejectment petition, thereby, seeking ejectment of petitioner-Jaswinder Singh from the demised premises, on the ground of arrears of rent and ground of subletting

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of the premises to Hazara Singh.

On appraisal of the evidence, brought on record, learned Rent Controller, vide judgment dated 28.10.2014 had ordered the ejectment of Jaswinder Singh and appeal filed thereupon, was also dismissed on 30.04.2016. CR-5007-2016 was filed before this Court, which was pending at the time of filing of the revision petition in hand. However, CR-5007-2016 has been dismissed by this Court, today itself.

To seek possession, on the basis of the ejectment order passed, execution petition was filed. During the pendency of the said execution petition, objections were filed by the petitioner, thereby, asserting his right of ownership, on the basis of the agreements to sell dated 29.12.1992, 16.06.1994 and 05.06.1998 and having purchased the property, on the basis thereof, for total sale consideration of Rs.8 lakh. Furthermore, it was asserted in the objections, about the decree holder, having got lodged FIR against the petitioner-JD and others and order of acquittal was passed by the Court and it was held that agreements to sell are genuine.

Further, the suit for specific performance, on the basis of the agreements to sell was also filed and the same is pending. Therein also, parentage of Gurpreet Singh, as asserted, was also questioned. He was asserted to be never born to Hardyal Kaur. In fact, Krishna Kaur was his mother, who never married Kartar Singh, with whom, agreements to sell, as such, were executed and who had earlier let out the property to the petitioner-JD.

Though, reply to the said objections was not filed, but however,



learned Executing Court, after appraising the material brought on record, has observed, as herein given:-

*“5. Admittedly, the JD has filed the appeal against the order of trial Court dated 28.10.2014. The appellant Court has also dismissed the appeal filed by the JD. The appellant Court has held that there is no illegality and irregularity in the order of the trial Court and the said appeal was dismissed with costs. However, three months time was granted to the tenant/objector to hand over the possession of demised premises to the DH. Admittedly, the JD has filed RSA in Hon'ble High Court against the order of appellant Court and admittedly in Hon'ble High Court no stay is there in execution of order of trial Court. The objector has averred in the objection that in the criminal case which was registered against them by DH for forgery of agreement they have been acquitted and it was held that the agreements were genuine and secondly he has filed suit for specific relief Act on the basis of agreement to sell dated 29.12.1992 and 16.06.1997 which is pending in the Court of Sh. Jagmeet Singh.*

*6. All these facts as alleged by the Objector in the present application has already been considered by the trial Court and appellant Court and gave detailed finding. Now, these averments cannot be taken/considered afresh in the execution proceedings. Merely pendency of suit for specific relief Act in another Court or acquittal in criminal case will not affect the proceedings in the present executing Court. Moreover, the present Court is an executing Court and the executing Court has to execute the decree and executing Court cannot go beyond the decree.*



7. *Hence, there are no merits in objections filed by the Objector and the same is hereby dismissed. Let warrants of possession be issued for 08.09.2017.*

Being aggrieved by the dismissal of objections, present revision petition has been filed.

It is pertinent to mention that very correctly, learned Executing Court has observed about the ejection order passed by learned Rent Controller on 28.10.2014 and appeal having also dismissed by learned Appellate Authority. In this regard, it is further pertinent to mention that today itself, the revision petition filed before this Court, has also been dismissed by this Court. So far as, eviction proceedings are concerned, the same have since been decided against the petitioner-JD. In the aforesaid manner, the ejection orders passed, has been upheld upto to this Court. Even, from the material brought on, it is evident that suit for declaration for asserting right, on the basis of the agreements to sell, was filed by the petitioner-JD and the same has also been dismissed by the trial Court. The appeal was also dismissed and even RSA No.1767 of 2016 has also been dismissed by this Court vide judgment dated 15.11.2018.

In the given circumstances, even though, the suit for specific performance may be pending, the Executing Court, as such, cannot comment upon the same. It is only to comply with the eviction order passed by the Court, which has been upheld. In the light of the same, it has been correctly observed about the objections, now raised, to have been already considered by the Court, while passing the ejection orders.

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Simultaneously, any other litigation pending between the parties, on the basis of the agreements to sell in question, shall have no bearing on the execution petition, which relates to the ejectment orders. Consequently, the impugned order warrants no interference.

Hence, the present revision petition is hereby dismissed.

**August 20, 2025**  
Vgulati

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**Yes/No**