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

**CR-1957-2025
Date of decision:-28.03.2025**

KISHAN CHAND

...Petitioner

Versus

BIMLA DEVI (DEAD) THROUGH HER LRS AND OTHERS

...Respondents

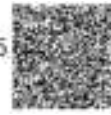
CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. Gaurav Kaile, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)

1. By way of present revision petition filed under Article 227 of the Constitution of India, petitioner-J.D. has approached this Court for setting aside orders dated 11.03.2025, Annexure P4 and Annexure P6, passed by the Executing Court.

2. Mr. Gaurav Kaile, counsel for the petitioner states that the petitioner and Des Raj, who is represented through his LRs - decree holders/respondents, are brothers. Desraj filed a suit claiming to be the owner of a residential house and averred that he permitted petitioner to reside in a portion thereof. Claiming that upon termination of the licence, he is entitled to possession, of the house, Desraj filed a suit for



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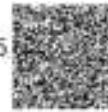
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mandatory injunction. After contest, the suit has been dismissed by both the Courts, but the regular second appeal has been accepted by this Court by judgment dated 18.04.2024, Annexure P1. Counsel submits that the judgment is under challenge before the Hon'ble Supreme Court and SLP (C) No.13854 – 2024 has been filed, which is pending and parties have been referred for mediation. Counsel asserts that in the meanwhile, the decree-holders have filed an Execution Petition, Annexure P2, and by impugned orders Annexure P4 and P6, Executing Court has dismissed an application for stay of the execution proceedings as also rejected the objections filed by Dinesh Kumar son of Des Raj. Counsel asserts that as the matter is pending before the Apex Court, further proceedings before the Executing Court may be stayed.

3. I have heard counsel for the petitioner and considered his submissions besides examining the paper-book with his able assistance.

4. A regular second appeal filed by the respondents has been accepted by this Court vide judgment dated 18.04.2024, Annexure P1 and suit for mandatory injunction filed by Des Raj has been decreed. Petitioner/JD has been directed to hand over the possession of the property to the plaintiffs, who have filed an execution and Executing Court has issued warrants of possession of the property. Mere fact that Desraj has expired and his LRs stepped into his shoes for the purpose of the execution of the decree, would not defeat their right. Dinesh Kumar son of late Desh Raj filed third party objections claiming that he is the sole legal heir of the deceased and is exclusively entitled to inherit the property. These objections have been dismissed by the Executing Court



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vide order Annexure P-6. Petitioner, who is the J.D., cannot be permitted to assail this order. SLP is pending before the Hon'ble Supreme Court, but no interim order has been passed. Parties were referred to the Medication Centre but on 17.02.2025, Supreme Court was informed that mediation between the parties has failed. Proceedings before the Executing Court cannot be stayed. There is no illegality or infirmity in the orders passed by the Executing Court.

5. Finding no merit in the revision petition, it is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

28.03.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No