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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(122)

CR-2355-2025

Date of Decision: - 30.04.2025

Raj Kumar

...Petitioner

Versus

Meena Kumari and another

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ivan Singh Khosa, Advocate,
for the petitioner.Mr. Vishal Goel, Advocate
for the respondents.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for quashing of the impugned order dated 15.04.2025 (Annexure P-1) passed by the Civil Judge (Junior Division), Chandigarh vide which the application for staying warrants of possession in execution has been rejected.

2. On 21.04.2025, this Court was pleased to pass the following order: -

“Inter alia contends that the petitioner would vacate the premises within a period of one month from today subject to the decision in the application under Order 9 Rule 13 CPC and has prayed that in case the application under Order 9 Rule 13 CPC filed by the petitioner is allowed then the petitioner be given right to



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restitution of the said premises. It is further submitted that the petitioner is ready to pay the entire arrears of rent. It is submitted that the petitioner would get two demand drafts prepared in the name of respondent Nos.1 and 2 (in equal proportion) for the total amount of arrears of rent on the next date of hearing.

Notice of motion for 30.04.2025.

Liberty is granted to the petitioner to serve respondent Nos.1 and 2 through dasti process as well as through their counsel appearing before the trial Court.

To be shown in the urgent list.

Till the next date of hearing, status quo regarding possession be maintained.”

3. Learned counsel for the petitioner has submitted that as per his calculations, the total arrears of rent was Rs.25,500/- @ Rs.500 per month and the petitioner has brought two demand drafts of Rs.15,000/- each, total amounting to Rs.30,000/-, which have been handed over to learned counsel for the respondents, who has reaffirmed the said fact.
4. Learned counsel for the petitioner has further submitted that the petitioner would hand over the possession to respondents No.1 and 2 on or before 21.05.2025, but has submitted that in case the application under Order 9 Rule 13 CPC is allowed, then in that case, the respondents be directed to give the possession back to the petitioner within a period of 15 days of passing of the said order.
5. Learned counsel for the respondents has submitted that in case the petitioner hands over the possession on or before 21.05.2025, as undertaken before this Court, and in case the application under Order 9 Rule 13 CPC is allowed in favour of the petitioner, then, the respondents would hand over the possession of the premises within a period of 15



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days from the date of passing of the order and after handing over the same, the respondents would pursue their further remedy, in accordance with law.

6. Keeping in view the above-said facts and circumstances and the fair stand taken by learned counsel for the petitioner as well as by learned counsel for the respondents and with the consent of both the parties, the present revision petition is disposed of with the following directions/observations: -

- (i) Petitioner, as undertaken before this Court, would hand over the possession of the premises in question on or before 21.05.2025 to the respondents.
- (ii) The trial Court would decide the application under Order 9 Rule 13 CPC filed by the petitioner as expeditiously as possible. Learned counsel for the petitioner as well as learned counsel for the respondents have submitted that they would not seek unnecessary adjournments and would fully assist the trial Court in expeditious disposal of the said application.
- (iii) In case the application under Order 9 Rule 13 CPC is allowed, then, the respondents would hand over the possession back to the petitioner within a period of 15 days from the date of passing of the said order. After handing over the possession back, it would be open to the respondents to seek further remedy in accordance with law.
- (iv) It is made clear that this Court has not opined on the merits

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of the case and it would be open to both the parties concerned to raise all pleas as are available to them in the proceeding under Order 9 Rule 13 CPC and in other proceedings, if any, filed by either of the two parties.

April 30, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No