

% 16.03.2012

Present: Mr. Rajesh Banati with Mr. Sunil Verma, Advocates for the appellant.
Mr. M.L. Jain with Mr. Nishant Datta, Advocates for the respondent.

+Rev. Pet. No.745/2011 & CM No.22301/2011 (stay)

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By this review petition, the review petitioner is seeking recall of orders dated 12.9.2011 vide which the appeal of the review petitioner was dismissed and the order dated 16.12.2010 passed by the learned Company Judge was affirmed. Since some mutually acceptable arrangements have been worked out between the appellant and the administrator, for this reason, we allow this review petition and recall our orders dated 12.9.2011 and appeal is restored to its original number.

Review petition along with CM is disposed of.

Co.App. No.38-39/2010

The appellant had claimed that he was tenant in respect of open space of the premises No.9/654, Moti Katra, Agra which was under the tenancy of the respondent company. On this basis, he has sought that the possession of the said open space be restored. There are some disputes regarding the said open space. A part of the said premises is occupied by the appellant as tenant. The company is also tenant in the same very premises of some other part thereof. As per the company, it is the tenant in respect of entire open space. However, in order to resolve the long pending dispute, it is agreed that the appellant may keep 1/4th of the open space from the right and the respondent shall keep the balance open space from the left.

To put an end to this dispute, we feel that the aforesaid arrangement is quite reasonable and therefore, should be accepted

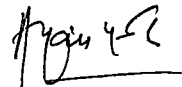
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by this Court. We accordingly make it clear that the appellant shall continue to occupy $1/4^{\text{th}}$ of the open space from the right and while calculating the area of $1/4^{\text{th}}$, tin shed shall be included.

This appeal is disposed of in the aforesaid terms.



ACTING CHIEF JUSTICE



SIDDHARTH MRIDUL, J.

MARCH 16, 2012
pmc