

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 1829 of 2015
Date of Decision: 27.4.2015.

Komal Dutta and another

.....Petitioners

Versus

Amar Nath Dhingra

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikas Bali, Advocate
for the petitioners.

SABINA, J.

Notice of motion.

At this stage, Mr. B.D.Sharma, has appeared and accepted notice on behalf of the respondent.

Petitioners have filed this petition challenging the order dated 21.2.2015 (Annexure P-6).

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Respondent had sought ejectment of the petitioners from the demised premises. The said petition was allowed by the learned Rent Controller vide order dated 25.5.2011. The said order was upheld by the Appellate Authority vide order dated 9.10.2014. Petitioners approached this Court by filing Civil Revision No. 8808 of 2014 and the same was disposed of on 24.12.2014 and following order was passed by this Court:--

“Heard.

After arguing for some time, learned counsel for the

petitioners seeks permission to withdraw this petition with prayer that petitioners be allowed nine months' time for vacating and handing over possession of the demised premises by revision petitioners to respondent-landlord.

In view of request made by learned counsel for petitioners, this petition is dismissed as withdrawn. The revision petitioners are allowed period upto 23rd September, 2015 to vacate the demised premises, subject to the following terms:-

- i. The petitioners-tenants will pay/deposit entire due rent upto 31st December 2014 within two weeks.*
- ii. They will keep on paying/depositing the advance rent/mesne profits of subsequent months upto September, 2015 on or before 7th day of each month.*
- iii. They will file affidavit before executing Court within three weeks giving details of entire payment of rent/mesne profits.*

In case of default of any of the above terms, respondent-landlord will be entitled to execute order of ejectment forthwith. The order has been passed in the absence of respondent to avoid unnecessary delay and expenses. A copy of this order be conveyed to respondent. In the event of respondent having any objection/grievance against this order, he may file an application/petition which on filing be listed for hearing.

Copy of this order be given under signature of the

Court Secretary attached to the Bench.”

However, before passing of the said order dated 24.12.2014, possession of the demised premises had already been taken by the landlord in execution proceedings on 19.12.2014. Apparently, order dated 24.12.2014 passed by this Court had been rendered infructuous.

Hence, no ground for interference by this Court is made out.

Dismissed.

However, it is clarified that the Executing Court shall refund the rent deposited by the petitioners, if any, after the possession was taken from them i.e. on 19.12.2014 and the rent deposited by the petitioners till date they remained in possession of the demised premises, be released to the landlord.

**(SABINA)
JUDGE**

April 27, 2015
Gurpreet