

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 2721 of 2013 (O&M)

DATE OF DECISION : October 29, 2015

Harbans Singh & anr.

..... PETITIONER(S)

VERSUS

Subhash Chander Chauhan

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ashwani Talwar, Advocate, for the petitioners.
Mr. Virendra Verma, Advocate, for the respondent.

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1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

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ARUN PALLI, J. (Oral)

Eviction petition preferred by the landlord-petitioners was allowed by Rent Controller, Ambala, vide order dated 31.10.2012. In an appeal preferred by the tenant-respondent, the order of ejectment passed by the Rent Controller was affirmed, but it was observed that as this Court in a writ petition filed by the respondent-tenant i.e. CWP-216-2010, vide order

dated 08.01.2010 had ordered the parties to maintain status quo regarding possession qua the suit property, Rent Controller shall only deliver symbolic possession of the property to the petitioners, if the order dated 08.01.2010 is still in force. Being aggrieved by these observations, the landlord-petitioners are before this court, vide this petition.

Counsel for the parties are ad-idem that, subsequently, the aforesaid writ petition was dismissed by this Court vide order dated 23.12.2014 and, thus, the interim order stood vacated. Consequently, in execution of the order of eviction, the petitioners had since obtained even the actual physical possession of the premises on 24.03.2015. And an application has been moved by the respondent-tenant for restitution of possession, which is pending consideration of the executing court. That being so, learned counsel for the parties submit that the matter in hand has become infructuous. However, respondent-tenant shall pursue his application for restitution of possession as also his revision petition i.e. CR-2816-2013, preferred against the order of eviction passed by the Rent Controller, as also the appellate authority.

Accordingly, for the reasons set out above, the petition is disposed of as having become infructuous.

OCTOBER 29, 2015
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(ARUN PALLI)
JUDGE