

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

**C.R NO. 3960 OF 2011 (O&M)
DECIDED ON : 30.09.2015**

Lalita Rani Singla

...Petitioner

versus

Shoba Rastogi and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present : Mr. Mukul Aggarwal, Advocate,
for the petitioner.

Mr. H. S. Sethi, Advocate,
for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reports or not ?
3. Whether the judgment should be reported in the Digest ?

ARUN PALLI, J. (ORAL)

Learned counsel for the petitioner contends that as the petitioner has already vacated the demised premises i.e first and second floors of the property bearing No. 5171-72, situated at Bajaja Bazar, Ambala Cantt and the possession has since been delivered to the respondents/landlord on 30.01.2014, through the process of court, nothing substantive survives in this petition.

However, learned counsel for the respondents/landlord

points out that though the possession is purported to have been delivered on record, but as the first and second floors i.e premises in question, are accessible through the ground floor portion, which is also in possession of the petitioner/tenant under a separate tenancy, landlord is being deprived of free and full use and enjoyment of the premises. And his application in this regard under Section 55 of the Code of Civil Procedure is pending consideration before Civil Judge (Junior Division), Ambala. Even a contempt petition, bearing COCP No. 218 of 2015, is also pending before this court. So much so, the petitioner/JD has not even paid rent w.e.f 01.06.1998 till date.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let Civil Judge (Junior Division), Ambala, be directed to decide the afore-referred application moved by the respondents/landlord, within a period of two months from the receipt of certified copy of this order. As regards the alleged arrears of rent, the respondents/landlord shall be at liberty to recover the same in accordance with law.

Ordered accordingly.

That being so, the petition stands disposed of.

SEPTEMBER 30, 2015
shalini

(ARUN PALLI)
JUDGE