

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

CR-4245-2012 (O&M)

Date of decision : July 14, 2015

Ajit Pal

..... Petitioner

Versus

Paramjit Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE GURMIT RAM

1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present : Ms. Sunita Punia, Advocate for
Mr. Rajiv Kataria, Advocate
for the petitioner.

Mr. R.S. Guron, Advocate
for the respondents.

GURMIT RAM, J.

1. This revision petition is preferred by the petitioner-herein (tenant) against the order dated 19.05.2012 passed by the learned Appellate Authority, Chandigarh vide which the application of tenant for staying the operation of the ejectment order dated 03.12.2011 passed by the learned Rent Controller, Chandigarh has been declined.

2. Notice of this revision was given to the respondent, who was served in this revision petition and appeared.

Heard and record perused.

3. The brief facts which are relevant for the disposal of this revision petition are that the respondents-herein (landlords) filed a petition under Section 13 of the East Punjab Urban Rent Restriction, Act, 1949 (in short "the Act") for the eviction of the petitioner-herein (tenant) from the demised premises, i.e. basement of SCO Nos.28, 29, 30, Sector 9-D, Chandigarh. The petitioner-herein was inducted as a tenant in the demised premises vide lease deed dated 22.06.2006 commencing from 01.07.2006 on the monthly rent of ₹40,000/- for a period of 5 years. He started misusing the demised premises by running a disco in the same without getting any permission for this purpose from authority concerned as well as without the consent of landlord. His ejectment was sought from the demised premises on the ground of non-payment of rent w.e.f. 01.07.2006 till date, besides, the electricity charges and for the misuse of the demised premises.

4. He was served in this petition and filed written statement taking certain preliminary objections that the petition is not, maintainable and that the petitioner (landlord) has no cause of action to file this petition. Relationship of landlord and tenant between the parties was denied. But anyhow execution of the lease deed dated 22.06.2006 was admitted. In this connection he also took the plea that this lease deed never came into operation. On the completion of pleadings of both the parties, the learned Rent Controller assessed the provisional rent qua the demised premises vide order dated 04.10.2011 at the rate of ₹40,000/- per month for the period from 01.07.2006 till October 2011 along with interest and cost of petition amounting to ₹29,77,000/- in total. The date fixed for making payment of this provisional rent was 07.11.2011. The tenant preferred an appeal before the learned Appellate Authority, Chandigarh against this order, who stayed

its operation vide order dated 07.11.2011. Ultimately this appeal was dismissed by the learned Appellate Authority Chandigarh on 21.11.2011 and fixed the date as 03.12.2011 for tender of the rent as provisionally assessed vide order dated 04.10.2011. The tenant did not make any tender on that date, rather he filed applications for grant of some time etc. Due to non-payment of the rent as provisionally assessed, the learned Rent Controller ordered the eviction of the tenant from the demised premises vide order dated 03.12.2011.

5. Against this order the tenant preferred an appeal before the learned Appellate Authority, Chandigarh alongwith an application for staying the operation of the abovesaid ejectment order dated 03.12.2011. Learned Appellate Authority, Chandigarh declined this application of the tenant for the grant of stay of operation of the abovesaid ejectment order dated 03.12.2011 vide the impugned order dated 19.05.2012.

6. Being not satisfied with this order of the learned Appellate Authority, the tenant has come up to this Court by way of instant revision petition. At the time of arguments the learned counsel for the respondent has contended that this revision has been rendered infructuous since the main appeal has been disposed of by the learned Appellate Authority, Chandigarh vide judgment dated 16.02.2015. In this connection he has also placed on record copy of this judgment. Even report has also been received from the quarter concerned that the learned Appellate Authority, Chandigarh has dismissed and disposed of Rent Appeal No.270 of 2011 vide judgment dated 16.02.2015. The instant revision petition is the outcome of the aforesaid order dated 19.05.2012 passed by the learned Appellate Authority Chandigarh on the application of tenant for staying the

operation of ejectment order dated 03.12.2011 passed by learned Rent Controller, Chandigarh.

7. Since the main appeal has been dismissed and disposed of as abovesaid, so the order impugned in this revision petition does not subsist any more being off-shoot of the main appeal. So the revision petition stands dismissed having been rendered infructuous and disposed of accordingly.

Since the main revision has been disposed of, hence pending CM(s), if any, also stands disposed of automatically having been rendered infructuous.

July 14, 2015

Gaurav Sorot

**(GURMIT RAM)
JUDGE**