

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

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Civil Revision No.4254 of 2014 (O&M)

Date of Decision: September 17, 2015

Darshan Singh

...Petitioner

Versus

Pushpa Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. C.P. Tiwana, Advocate
for the applicant-petitioner
along with Shri Yogesh Sharma.

Mr. Aakash Singla, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J.

On 25.07.2014, when the case was argued by the counsel for the petitioner at length, the following order was passed:-

“Counsel for the petitioner, disputing the findings on merit, has confined his prayer only with regard to time for vacation of the demised premises.

Notice of motion to the respondent, only to the extent of time for vacation of demised premises, for 22.8.2014”.

Today when the case has been taken up for hearing, counsel for the petitioner started arguing the matter on merits and when the above-mentioned order was brought to his notice, he insisted on the matter to be heard on merits. But the same cannot be permitted in the light of the fact that the petitioner has already availed of more than one year's stay in the demised premises and if he intended to argue the case again on merits, he should have moved an appropriate application for recall/modification of the order dated 25.07.2014. It appears that the insistence is being made for

hearing the case on merits because of change of Roster, which is unacceptable.

The Court was inclined to give some time to the petitioner to vacate the demised premises but the counsel for the petitioner is unable to inform the Court despite seeking instructions from Shri Yogesh Sharma (relative of petitioner), who is present in Court, with regard to the time within which he would hand over the vacant possession of the demised premises to the respondent-landlady. Since the petitioner has already availed of the benefit of more than one year's stay in the demised premises and further the time has not been given within which it will be vacated, this Court has no option but to dismiss the present petition.

Ordered accordingly.

September 17, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE