

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

Civil Revision No.5229 of 2015(O&M)
Date of decision: 17.08.2015

Khem Lal Bansal

...Petitioner

Versus

Maninder Pal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

Present: Mr. Ramesh Goyat, Advocate,
for the petitioner.

ARUN PALLI, J.(ORAL)

In this petition under Article 227 of the Constitution of India, petitioner prays for a direction to the Appellate Authority-cum-District Judge, Chandigarh to hear and decide the application dated 03.03.2015 (Annexure P-6) under Order 39 Rule 1 and 2 of the Code of Civil Procedure (hereinafter referred to as 'the Code') moved by the petitioner, on the date fixed i.e. 25.08.2015.

Rent Controller, Chandigarh, vide order dated 09.05.2013, ordered eviction of the petitioner-tenant. During the pendency of appeal, preferred against the said order, the parties had reached a compromise and petitioner was granted time to vacate the demised premises on or before 31.05.2015. The appeal was accordingly withdrawn. And now, an application under Order 23 Rule 3-A of the Code is purported to have been made before the Appellate Authority for setting aside the compromise decree dated 20.11.2013

as also an application for injunction under Order 39 Rule 1 and 2 of the Code.

Learned counsel for the petitioner submits that the matter has been adjourned on a few occasions by the Appellate Authority and is now fixed for 25.08.2015. Whereas, the executing court has already issued warrants of possession and the police help has been sought to obtain actual physical possession and the matter before the executing court is listed for 29.08.2015. He contends that if an application for injunction moved by the petitioner-tenant is not decided on the date fixed i.e. 25.08.2015, in the event of petitioner's dispossession, his application under Order 23 Rule 3-A, as also for injunction, shall become infructuous. Thus, this petition.

Ex facie, the Appellate Authority is seized of the matter. The application moved by the petitioner under Order 23 Rule 3-A of the Code as also the application for injunction under Order 39 Rule 1 and 2 of the Code are fixed for arguments on 25.08.2015. The matter before the executing court is fixed for 29.08.2015 i.e. post 25.08.2015. Therefore, the petitioner is at liberty and could always make a necessary prayer before the Appellate Authority and apprise the court of his concern.

That being so, no interference in exercise of revisional jurisdiction, under Article 227 of the Constitution of India, is warranted. The petition being devoid of merit is accordingly dismissed.

17th August, 2015

**(ARUN PALLI)
JUDGE**