

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3362 of 2001
Date of decision: 28.10.2015

Swaran Singh

... Appellant

Versus

Gurmail Lal

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Satinder Khanna, Advocate for the appellant.
Mr. GS Nagra, Advocate for the respondent.

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?

ARUN PALLI J. (Oral)

Respondent-landlord has moved an application seeking a direction to the appellant to pay the arrears of rent @ ₹ 350/- per month w.e.f. 01.01.2014.

On February 2, 2006, this court had passed the following order:

“It is conceded position between the learned counsel for the parties that the entire rent in terms of the order dated December 21, 2001 has been deposited by the appellant. However, it is conceded by Shri Khanna, the learned counsel appearing for the appellant that there has been some delay in depositing the rent.

Keeping in view the facts and circumstances of the case, delay, if any, in depositing the rent is condoned. However, it is directed that in future the applicant shall keep on depositing the rent

regularly by 10th day of each month when the rent becomes payable. In case of two consecutive defaults by the applicant, the interim order shall stand automatically vacated.

CM stands disposed of accordingly.”

Learned counsel for the respondent-landlord submits that rent upto 06.12.2013 stands paid, but thereafter the appellant is in perpetual breach of the aforesaid order, for no rent has been deposited.

Learned counsel for the appellant submits that repeated letters and reminders issued to the appellant have not been responded to. And, thus, no reply to the application could also be filed. He submits that although he does not have any concrete instructions, but the premises in question has possibly been acquired and the possession taken. Therefore, he submits that let the appeal be disposed of as having become infructuous, however, if any, interest, cause of action or dispute still survive, appellant shall be set at liberty to move the necessary application for restoration of the appeal and its decision on merits.

That being so, the main case is taken on board and the appeal is disposed of as having become infructuous. However, if any, dispute, cause of action or interest still survive, petitioner shall have a liberty to move an appropriate

application for restoration of the appeal and its decision on merits.

October 28, 2015
Rajan

(Arun Palli)
Judge