

COCP-2528-2016

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.2528 of 2016

Date of decision: October 24, 2016

Happy Mahajan

...Petitioner

Versus

Kishori Chand Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rahul Rampal, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner has preferred this contempt petition alleging that respondent has wilfully disobeyed undertaking/statement given before lower appellate court on 7.5.2016. Thus, contempt proceedings need to be initiated.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, petitioner sought ejectment of the respondent from the premises in question. Same was allowed by the Rent Controller vide order dated 2.5.2015. The respondent-tenant preferred appeal before the appellate authority. During pendency of appeal, the tenant suffered a statement that he would vacate the premises within four months. The appellate authority, thus, dismissed the appeal and directed that parties would remain bound by their statements. In my considered view, in case the undertaking given by the tenant has been violated, petitioner has efficacious

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remedy by way of execution. Even in his statement, tenant stated that landlord would be entitled to get possession by way of execution in case he fails to abide by the undertaking and concession of arrears of rent and mesne profits given to him, would stand forfeited. Under the circumstances, no interference in contempt jurisdiction of this court is called for.

Dismissed.

(RAJAN GUPTA)
JUDGE

October 24, 2016
'Rajpal'