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

**C.R. No.5484-2010 (O&M)
Date of Decision : 27.05.2016**

Mr. Satpal

..... Petitioner

Versus

Paul Singh Sandher @ Inderpal Singh Sandher

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Divanshu Jain, Advocate
for the non-applicant-petitioner.

Mr. Rose Gupta, Advocate
for the applicant-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?

AJAY TEWARI, J. (Oral)

CM-11380-CII-2016

This is an application for taking up the petition on the ground that the same was admitted to be heard after the decision of SLP No.189 of 2011 and now by order dated 29.01.2016 that petition has been decided by the Supreme Court. Learned counsel state that the matter has been settled out of Court.

I informed the learned counsel that I knew the applicant-respondent and therefore, I am of the opinion that the matter be sent before some other Bench but both learned counsel state that since the matter has

been settled out of Court and is not being heard on merits they would have no objection, if I pass a formal order.

In the circumstances, the application is allowed and the case is taken up for hearing.

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Learned counsel for the non-applicant-petitioner states that in case he is granted one year's time till 31.05.2017 he would hand over the possession voluntarily to the applicant-respondent.

Learned counsel for the applicant-respondent states that he would have no objection provided that the non-applicant-petitioner also gives up any claim which he may have under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (the Act of 1949) and files an undertaking to this regard and continues to pay the rent and other charges regularly and files an undertaking in that regard.

Learned counsel for the non-applicant-petitioner has filed an affidavit in this Court to the effect that he would withdraw the present petition if he is granted time till 31.05.2017 and the applicant-respondent withdraws all the pending litigation between the parties. Apart from that learned counsel states that as regards the non-applicability of the protection of Section 13-B that in any case would not be applicable once matter has been decided as per compromise and the non-applicant-petitioner has withdrawn the petition.

In view of settlement, the present petition is dismissed as withdrawn.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 27, 2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**