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

**C.R. No.7278 of 2015 (O&M)
Date of Decision : 28.01.2016**

Khem Lal Bansal

..... Petitioner

Versus

Maninder Pal Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

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)

By this petition the petitioner has challenged the order dated 25.08.2015 passed by the Appellate Authority whereby two applications under Order 23 Rule 3-A and under Order 39 Rules 1 and 2 CPC moved by him have been dismissed.

The respondent had filed a petition for eviction of the petitioner on the ground of personal necessity. In his written statement, the petitioner took the specific plea that the respondent was neither owner nor the landlord. However, despite that plea the Rent Controller allowed the eviction of the petitioner. Thereafter, the petitioner filed an appeal. During

the appeal a settlement was arrived at whereby the petitioner was granted 1½ years time to vacate the demised premises on the existing rent. It is after that period come over that the present applications were filed on the ground that the respondent was not the owner/landlord. These applications having been dismissed, as mentioned above the petitioner is before this Court.

It is trite to say that the compromise can be set aside only on the ground on which the contract can be set aside viz. coercion, undue influence, fraud, misrepresentation and mistake. In the present case, as noticed above the petitioner had specifically taken the plea that the respondent was not the landlord/owner and, having abandoned that plea can not now turn around to take recourse to that plea to get the compromise set aside.

Consequently, the petition is dismissed.

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

January 28, 2016

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**(AJAY TEWARI)
JUDGE**