

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1431 of 2015 (O&M)

DATE OF DECISION: DECEMBER 13, 2016

CAPT. M.S. KAHLON

...APPELLANT

VERSUS

MAHARAJ BAKSH SINGH AND ANOTHER

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE G.S. SANDHAWALIA.**

PRESENT: CAPT. M.S. KAHLON, APPELLANT IN-PERSON.
MAHARAJ BAKSH SINGH, RESPONDENT NO.1 IN-PERSON.

M. JEYAPPAUL, J.

1. The respondents herein filed a contempt petition before the learned Single Judge alleging willful disobedience of the order dated 16.9.2013 passed in CR No.3077 of 2011 by the appellant herein. On 11.8.2015, an interim order was passed by the learned Single Judge directing the appellant to pay a sum of ₹1 lakh per month towards mesne profits from 16.6.2014 and ₹33,862/- per month from 1.9.2013 to 15.6.2014 in terms of the lease agreement entered into between the parties. The above interim order is challenged before this Court by the appellant.

2. The matter came up for hearing on 12.12.2016. Both the parties were present in the Court. We interacted with the parties in the presence of their respective counsel. They expressed their desire to settle their dispute which gave rise to the contempt proceedings before this Court amicably. Respondent No.2 is none other than the wife of respondent No.1. Respondent No.1 on behalf of himself and respondent No.2 submitted that if

the appellant handed over the keys the next day itself, he would not press for payment of arrears of lease money which was the bone of contention in the contempt proceedings as well as in the present contempt appeal proceedings. The appellant who was present on the said hearing expressed his desire to hand over the vacant possession of the said premises the next day itself, if the respondents did not press for arrears of lease money.

3. The matter was posted today for reporting settlement on the aforesaid terms agreed to be abided by the parties. The appellant was present and respondent No.1 representing himself and respondent No.2 was also present today. They also produced a certificate to the effect that the appellant had handed over vacant possession of the subject premises to the respondent.

4. The appellant also undertook before us that in view of the settlement arrived at between them, he would withdraw the appeal in RSA No.3985 of 2016 which is coming up for hearing before this Court on 23.1.2017. Respondent No.1 representing himself and respondent No.2 on his part submitted before us that inasmuch as the entire dispute between the parties has been amicably settled in the aforesaid terms, the entire proceedings initiated by the respondents in COCP No.1759 of 2014 and the interim order passed by learned Single Judge on 11.8.2015 and the final order passed subsequently on 7.12.2016 may be held to have become infructuous.

5. As the parties have amicably settled their dispute which gave rise to the contempt proceedings, we are pleased to hold that the entire

contempt proceedings initiated by the respondents in COCP No.1759 of 2014, the interim order passed therein on 11.8.2015 and the final order passed on 7.12.2016 by learned Single Judge and the present appeal in LPA No.1431 of 2015 have become infructuous. Accordingly, the Letters Patent Appeal stands disposed of.

(M. JEYAPPAUL)
JUDGE

December 13, 2016
Gulati

(G.S. SANDHAWALIA)
JUDGE

Whether Reportable

No

Whether Speaking/Reasoned

Yes