

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

**Civil Revision No. 1520 of 2016 (O&M)
Date of Decision: 21.09.2017**

The New India Assurance Co. Ltd., Chandigarh

..... Petitioner

Versus

M/s. Swani Rubber Industries, SAS Nagar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. S.S. Sidhu, Advocate
for the petitioner-tenant.

Ms. Amrita Nagpal, Advocate
for the respondents-landlords.

JASWANT SINGH, J. (ORAL)

Petitioner-tenant (Insurance Company) is in revision directed against the concurrent judgments passed by both the Authorities below, whereby the tenant has been evicted from the tenanted premises comprising First Floor of SCO No. 104-105-106, Sector-34, Chandigarh, on the ground of '*personal necessity*' of the owner/partnership firm by learned Rent Controller, Chandigarh, vide judgment dated 17.12.2014, duly affirmed vide judgment dated 22.12.2015, passed by the learned Appellate Authority Chandigarh, while dismissing the appeal of the tenant.

This Court, while issuing notice of motion vide order dated 26.02.2016, had ordered the maintenance of *status quo* with regard to possession of the demised premises.

At the time of hearing, learned counsel for the respondents-landlords points out that the warrants of possession dated 23.02.2016 stood duly executed on 25.02.2016, whereby the possession of the demised

premises was delivered to the landlords through the process of Court. She, thus, submits that the present revision petition has become infructuous.

In response, learned counsel for the petitioner-tenant, reluctantly, concedes that the present revision petition has become infructuous as on merits, the concurrent findings of personal necessity would not be liable to be interfered in view of the settled law, however, submits that the respondents-landlords have in violation of three years' embargo qua commercial building and have proceeded to let out the demised premises to *M/s Bansal Plaza*, providing a right to the tenant for seeking restoration of the premises, however, the forum for that would not be the present revision petition.

In view of the above, present petition stands dismissed as infructuous.

However, the petitioner would be free to seek the restoration of the premises as per the provision of law.

September 21, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No