

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

**Civil Revision No.2256 of 2012 (O&M)  
Date of Decision: 12.12.2017**

Dr. Ram Kishore Sharma

..... Petitioner

*Versus*

Narinder Singh Mahil  
through his attorney-Smt. Paninder Kaur

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Nitish Garg, Advocate for the petitioner/tenant.

Mr. Alok Jain, Advocate for the respondent/NRI landlord.

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**JASWANT SINGH, J. (ORAL)**

The tenant is in revision directed against the order dated 04.02.2012, passed by learned Rent Controller, S.B.S. Nagar, whereby the tenant has been ordered to be evicted from the demised shop (fully detailed in the eviction application, under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949, moved by the respondent/NRI landlord).

This Court, while issuing notice of motion on 30.04.2012, had passed the following order:-

**“ CM No.10983-CII of 2012**

*The application is allowed and Annexure P-14 is taken on record, subject to all just exceptions.*

**CM No.9572-CII of 2012**

*The application is allowed and Annexures P-1 to P-13 are taken on record subject to all just exceptions.*

**CR No.2256 of 2012**

*Counsel for the petitioner inter alia contends that the respondent-landlord is citizen of Canada and holds passport of Canada and the question whether citizen of foreign country can avail the benefit of Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 or not,*

*is pending adjudication before Hon'ble Supreme Court.*

*Notice of motion for 20.07.2012.*

*Meanwhile execution of impugned ejectment order shall remain stayed, subject to the condition that the petitioner deposits all arrears of rent/mesne profits with the Rent Controller within one month from today and continues to pay or deposit the same by 15<sup>th</sup> of every month after expiry of the month and respondent-landlady shall be entitled to withdraw the deposited amount. ”*

*(Emphasis supplied)*

At the time of hearing today, learned Counsel for the respondent/landlord submits that the present revision has become infructuous as the tenant has since handed over the keys of the demised shop and thus delivered the vacant possession of the premises. He further submits that there are few articles/wooden benches, which are stated to be lying.

Learned Counsel for the tenant is not in a position to rebut the aforesaid factual averment, however, has no objection in case the factual position is correct.

In view of the statement made by learned Counsel for the respondent/landlord at Bar, the present revision is disposed of as infructuous, however, liberty is granted to the tenant to seek the revival of the present revision within one month from today by making an application in case there is any factual error in the statement on behalf of the landlord.

Since the main petition stands disposed of as infructuous, the pending applications, if any, shall also stand disposed of.

**December 12, 2017**  
Gagan

**(JASWANT SINGH)**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |