

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

Civil Revision No.2759 of 2017

Date of decision: 18.5.2017

Amit Kumar

...Petitioner

Versus

Smt. Savitri Devi and another

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges order dated 29.3.2017 whereby the eviction petition has been restored by the Rent Controller, Narnaul subject to payment of costs of ₹ 1000/- to be paid to the DLSA, Narnaul and ₹ 1000/- in favour of counsel for the present petitioner alongwith pending costs of ₹ 500/- as per order dated 3.9.2016.

The Rent Controller, Narnaul while allowing the application has noticed that the issues were framed on 16.9.2014 interse the parties and on account of the fact that the petition was dismissed in default on 3.10.2016 and the absence was stated to be on account of the fact that there was compromise being affected in the chamber of counsel, the application has been allowed. It is to be noticed that the application for restoration was filed on the same day in which necessary averments were made that the negotiations for compromise were going on and the reply to the said application was filed. Resultantly, the Rent Controller has restored the main case.

The landlord is seeking eviction on non payment of rent from

1.10.2013 to 30.11.2013 @ ₹ 1500/- per month; bonafide necessity for her son and subletting the shop.

The challenge as such to the order restoring the eviction petition is without any basis. The petitioner has been adequately compensated by payment of costs.

Keeping in view the fact that the application was filed on the same day and the non appearance was on account of the fact that the parties were trying to sort out the issue, no case is made out for interference with the impugned order dated 29.3.2017.

Accordingly, the present revision petition is dismissed in limine.

May 18, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No