

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

**Civil Revision No. 3100 of 2017 (O&M)
Date of Decision: 05.09.2017**

Sh. Yash Pal

..... Petitioner/Tenant

Versus

Smt. Neelam Rani and another

..... Respondents/Landlords

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioner-tenant.

Mr. Sharad Mehra, Advocate
for the respondents-landlord(s).

JASWANT SINGH, J. (ORAL)

Petitioner-tenant is in revision directed against the concurrent findings recorded by both the Authorities below, whereby the tenant was evicted from the demised house on the ground of '*personal necessity*' and '*arrears of rent*' by learned Rent Controller, Amritsar, vide judgment dated 07.12.2015, duly affirmed vide judgment dated 28.11.2016 passed by the Appellate Authority, Amritsar.

The petitioner-tenant and the respondents-landlords are related to each other. The demised premises comprising a house building bearing No. 2092/17 situated at Qilla Bhangla, Abadi Gokal Chand, Amritsar, and concededly was owned by Sh. Ram Parkah, who left behind five sons and one daughter, namely, Surinder Kumar, Vijay Kumar, Yash Pal (petitioner herein), Raman Kumar (since deceased), Pawan Kumar and Kiran (daughter). The demised premises were bequeathed vide registered

Will dated 14.03.1988 in equal shares to two sons, namely, Surinder Kumar

and Pawan Kumar, who subsequently transferred the property vide sale deeds in favour of Smt. Neelam Rani and Smt. Sakshi Mehta, who are none else than the wife and daughter-in-law, respectively, of Surinder Kumar. Since Yash Pal (petitioner herein) was residing in the building, he acquired the status of a tenant under the natural landlords/respondents.

On the prevision date of hearing on 02.08.2017, the following order was passed:-

“ It is pointed out that when the Bailiff along with the landlords had gone to take possession of the residential premises through the process of the Court in execution of the eviction decrees, a fight ensued. The tenant/judgment debtor had resisted the eviction on the ground of stay granted by this Court, however, concededly, there was no stay granted by any Court on the said date. Bailiff is stated to have made a report to the Executing Court/Rent Controller concerned. An FIR was lodged by the tenants against the landlords on account of the injuries suffered in the said incident.

The parties are stated to be real brothers and, therefore, have arrived at an amicable settlement, whereby it has been agreed that the petitioner-Yash Pal/tenant would hand over the actual physical vacant possession of the demised residential house to the landlords on or before 31.8.2017 and shall also get his statement recorded, withdrawing his complaint thereby leading into quashing of the FIR. In return, the respondents-landlords have agreed to forego all arrears of rent and mesne profits.

Adjourned to 05.9.2017 for further consideration.

Both the parties will be bound by their aforesaid respective stand. ”

At the time of hearing, learned counsel for the parties state that a written compromise deed dated 05.09.2017 has been executed between the parties; the vacant possession of the tenanted premises has since been handed over to the respondents-landlords; the respondents-

landlords have forgone the *arrears of rent* and *mesne profit*; and are also in the process of seeking the quashing of the pending FIRs. It is, thus, submitted that the present revision petition has become infructuous.

In view of the aforesaid agreed stand of the parties, present petition stands dismissed as infructuous.

September 05, 2017

'dk kamra'

**(JASWANT SINGH)
JUDGE**

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