

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4762 of 2004 (O&M)

Date of decision: 28.04.2017

Naresh Kumar and another

... Petitioners

versus

Ashok Kumar and another

.... Respondents

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

Present: Mr. Akshay Kumar Goel, Advocate for the petitioners.

Mr. Vipin Mahajan, Advocate for the respondent No.2.

G.S. SANDHAWALIA, J. (ORAL)

The order impugned by the petitioner-landlord dated 31.08.2004 was passed by the Rent Controller, Meham and vide the said order, the tenants had been allowed to repair the roof of the two shops in question bearing No. 4358 and 4359 situated in the Main Bazar Meham, District Rohtak which was adjoining each other. The operation of the impugned order was stayed when the revision petition was admitted on 17.01.2006, over a decade back.

Counsel for the petitioner very fairly stated that regarding shop No. 4359 which is occupied by Harish-respondent No.2, the matter has become infructuous to the extent that eviction order was passed in favour of petitioner No.2 and others on 04.02.2015 which has been duly executed and the statement was made before the Executing Court on 25.04.2016 that possession of the said shop has been taken.

Resultantly, he submits that the matter regarding shop No. 4359 has become infructuous.

Regarding shop No. 4358, it is submitted that there was an agreement to sell in favour of respondent No.1 and on the basis of the said agreement, respondent No.1 had carried out the necessary repairs. It is further pointed out that the agreement could not be taken to its logical end and the relationship as such of landlord-tenant still continues. Mr. Gahlawat, Advocate is not present to represent respondent No.1 and even on the last date of hearing he was not present. Resultantly, keeping in view the above, the present revision petition is disposed of as having been rendered infructuous since it is the case of the petitioner himself that the necessary repairs have been carried out by the tenant. It is further made clear that in case respondent No.1 still has any grievance, he is given liberty to file appropriate application before the Rent Controller concerned to seek directions, if so required.

The civil revision petition is disposed of as having been rendered infructuous.

(G.S. SANDHAWALIA)
JUDGE

28.04.2017

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Whether speaking/non-speaking: Yes/No

Whether reportable : Yes/No