

**109-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM No.19042-CII of 2017 in/and
CR No.4834 of 2016**

Date of Decision: October 25, 2017

**The Oriental Insurance Company Limited and another
..... Applicants/Petitioners**

Versus

Pardeep Khanduja

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ranbir Singh Rawat, Advocate for
Mr. Harish Bansal, Advocate
for the applicants/petitioners.

Mr. Amit Jain, Advocate
for the non-applicant/respondent.

DEEPAK SIBAL J. (ORAL)

The respondent-landlord had filed a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973, before the Rent Controller, Kaithal, seeking therein the applicants/petitioners' eviction on the strength of the grounds mentioned therein. The Rent Controller, Kaithal, through his order dated 03.01.2012 directed the applicants/petitioners to vacate the tenanted premises. The applicants/petitioners challenge the eviction order passed by the Rent Controller, Kaithal through an appeal before the Appellate Authority, Kaithal.

To the findings in the order of the Rent Controller which were adverse to the landlord, cross-objections/appeal was also filed by the respondent-landlord. The Appellate Authority rejected the appeal filed by the applicants/petitioners and allowed the cross objections/appeal of the respondent-landlord giving a cause to the applicants/petitioners to knock

the doors of this Court through two revision petitions being ***CR No.4833 of 2016 – “The Oriental Insurance Company Limited and another vs. Pardeep Khanduja”***, through which his eviction was challenged and ***CR No.4834 of 2016 - “The Oriental Insurance Company Limited and another vs. Pardeep Khanduja”***, through which the order of the Appellate Authority, Kaithal allowing the cross objections/appeal of the respondent was made the subject matter of challenge.

On 01.08.2016, while issuing notice of motion in both petitions, this Court as an interim measure, directed that operation of the impugned order with regard to the petitioners' eviction shall remain stayed subject to the petitioners depositing the arrears of rent/mesne profits as assessed by the Appellate Authority within a period of 15 days. It was further directed that the petitioners shall continue to deposit rent/mesne profits by 7th day of each month and in case of even a single default, the interim order shall cease to operate. Apparently, the applicants/petitioners did not fully abide by the conditions of the interim order and therefore after giving an explanation sought condonation of the default on the part of the applicants/petitioners through an application being **CM No.19042-CII of 2017 in CR No.4834 of 2016**. Notice of the application was issued to the non-applicant/respondent in pursuance to which, Mr. Amit Jain, Advocate has appeared.

When the matter was taken up today, learned counsel for the parties submitted that while the application was pending before this Court, the parties have amicably resolved their dispute and in pursuance of such resolution, an affidavit has been filed by the applicants/petitioners before the Executing Court in which they have undertaken that they will

vacate the tenanted premises on or before 04.02.2018. The applicants/petitioners have further deposited the entire arrears of rent.

In view of the above, the main petition has been rendered infructuous. Therefore, as also with the consent of the parties, the date of hearing of the main case is preponed from 26.02.2018 to today and is disposed of as such.

While requesting the Executing Court to proceed with the compromise proceedings in accordance with law, the respondent is permitted to withdraw the rent deposited by the petitioners before the Executing Court.

Learned counsel for the petitioners undertakes to pay in advance the future contracted rent between the parties by the 7th day of each month for the period that they occupies the premises in future as per the terms of the above compromise.

October 25, 2017

rittu

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No