

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

**Civil Revision No.7957 of 2010 (O&M)
Decided on : 10.01.2017**

Manmohan Singh

... Petitioner

Versus

Rani Kumari Lamba

... Respondent

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

Present : Mr. G.S. Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate for the petitioner.

Mr. Karan Nehra, Advocate
for the respondent.

G.S. Sandhawalia, J. (Oral)

With the consent of the counsel for the parties, the main case is taken up today.

Vide order dated 13.09.2007 eviction was ordered from the demised shop of the tenant-petitioner by the Rent Controller, Patiala. The order was upheld in appeal on 07.09.2010.

While issuing notice of motion, this Court noticed the contention of the petitioner-tenant that three essential ingredients of the East Punjab Urban Rent Restrictions Act, 1949 under Section 13 (3) (a) (i) had to be pleaded and proved.

Ms. Harveen Kaur counsel for the respondent-landlady submits that she has instructions that she wants to withdraw the main ejectment petition to file a fresh one on the same cause of action, so that the necessary ingredients can be pleaded and proved and the landlady can be given an opportunity to press the case again for personal use and occupation, as per the provisions of the Act.

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Counsel for the petitioner-tenant has no objection, under instructions from the tenant-petitioner, who is present in the Court.

Accordingly, the present revision petition is disposed of as having been rendered infructuous, in view of the statement made by counsel for the respondent-landlady.

It is made clear that it is open to the landlady to institute a fresh petition on the same cause of action.

JANUARY 10, 2017

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No