

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

CR No. 7825 of 2016 (O&M)

Date of decision: 10.07.2017

SHYAMJI AND ANR

-PETITIONERS

VS

RAM KRISHAN AND ANR

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjiv Kumar Yadav, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Defendants were tenants in the premises @ Rs.4,000/- per month plus 5% increase per annum besides 50% of the property tax and electricity charges. On 08.04.2013, ejectment order was passed by the Rent Controller after proceeding against exparte. Exparte order was passed on 18.03.2013 vide which arrears of rent and other expenses were ordered to be deposited and two months time was granted to vacate the premises. Against the said order, the petitioners filed civil revision in which order dated 10.02.2015 was passed wherein an arrangement was made that 50% of the arrears of rent was to be paid on or before 15.03.2015 and the remaining 50% of the amount to be paid on 15.04.2015 and the petitioners were directed to go on paying an amount of Rs.4,000/- per

month till disposal of proceedings in terms of Order 9 Rule 13 CPC. In the event of default, order dated 08.04.2013 passed by the Rent Controller was to be executed. Defendants did not obey the directions given by the High Court and possession was taken from the petitioner with the help of police. Thereafter suit for recovery of Rs.1,10,115/- alongwith interest @ 8% came to be filed, in which prayer in terms of Order 38 Rule 5 CPC was made.

Owing to the conduct of the petitioner, there is no scope for interference in the order passed by the trial Court under Order 38 Rule 5 CPC.

At this stage, learned counsel for the petitioners intends to withdraw the present petition.

Dismissed as withdrawn.

10.07.2017
jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No