

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

Civil Revision No.8515 of 2015 (O&M)

Date of Decision: 20.07.2017

S. Sukhdev Singh

..... Petitioner

Versus

S. Surinderjit Singh Ghuman

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Divanshu Jain, Advocate for the petitioner/tenant.

Mr. Chetan Bansal, Advocate for the respondent/landlord.

JASWANT SINGH, J. (ORAL)

This Court, while issuing notice of motion on 14.12.2015, had passed the following order:-

“ Learned counsel for the petitioner, contends, inter alia, that the respondent is a citizen of United States of America and holds a passport issued by the Government of United States of America. Thus, he cannot claim to be a Non-Resident Indian. It is contended that the matter is pending before the Hon’ble Supreme Court for adjudication, as regards the issue, as to whether citizens of other countries can be termed as Non-Resident Indian, in terms of Section 2(dd) of the East Punjab Urban Rent Restriction Act, 1949.

Notice of motion.

Process dasti as well.

Status quo, as it exists today, shall be maintained, subject to deposit of the entire arrears of rent within two weeks from today, and the petitioner shall continue to pay rent/mesne profits by 7th of each month till further orders. In the event of even a single default, the stay order shall stand vacated and the respondent-landlord shall be free to execute the order of eviction and obtain possession.

Adjourned to 29.01.2016. ”

On 30.08.2016, the following order was passed by this Court:-

“ Counsel for the respondent states that the order dated 14.12.2015 was a conditional order, whereby status quo was ordered to be maintained

subject to the deposit of entire arrears of rent within a period of two weeks from the date of the order and the petitioner was further directed to continue paying rent/mesne profits by 7th of each month till further orders. The order further clarified that in case of even a single default, the stay order would stand vacated and the respondent-landlord shall be free to execute the order of eviction and obtain possession. He states that the petitioner has neither deposited the amount of arrears of rent nor is he paying the monthly rent as directed by this Court. He further submits that because on the subsequent dates, the interim order has been ordered to be continued, the Executing Court is not proceeding with the matter and thus seeks clarification in this regard.

Counsel for the petitioner states that he has no instructions as to whether the petitioner has deposited the arrears/rent as per the order dated 14.12.2015 passed by this Court or not and, therefore, he would not be in a position to make a statement in this regard.

Having considered the submissions made by the counsel for the parties, in case the fact with regard to non-deposit of arrears of rent/mesne profits and the regular monthly payment of rent/mesne profits by 7th of each month having been not complied with by the petitioner is correct, the consequences thereof are clear and apparent in the order dated 14.12.2015 i.e. that the stay order would not operate in favour of the petitioner and the respondent would be entitled to pursue the remedy of execution and obtain possession.

Adjourned to 11.01.2017 for further consideration. ”

At the time of hearing, learned Counsel for the respondent/landlord submits that the present petition stands infructuous as the possession of the demised premises has been taken over by him.

Upon notice, learned Counsel for the petitioner/tenant concedes the aforesaid factual position.

In view of the above, the present revision petition has become infructuous.

July 20, 2017
Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No