

205-A

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2343 of 2017 (O&M)

Date of Decision: 30.04.2018

GEETA SHARMA

..... Petitioner

Versus

SOM NATH SHARMA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ramesh Hooda, Advocate for the petitioner.

Mr. Divanshu Jain, Advocate for the respondents.

JASWANT SINGH, J. (ORAL)

Petitioner-tenant (Geeta Sharma) is in civil revision directed against the order dated 22.03.2017 (**Annexure P-2**), passed by the Executing Court, whereby warrants of possession *qua* the demised premises/House No.13, First Floor, Sector 33-A, Chandigarh had been issued for 10.04.2017.

This Court had issued notice of motion and granted interim protection on the plea that the eviction decree dated 29.07.2015 was based on a compromise, however, in view of fresh Rent Agreement dated 29.06.2016 executed between the parties, the Executing Court was required to frame issues. This Court on the previous date of hearing on 09.02.2018 passed the following order:-

“ No doubt in the absence of any temporary injunction order in favour of Geeta Sharma (plaintiff)-tenant, the Executing Court would be required to execute the previous compromise decree dated 29.07.2015 passed by the Appellate Authority, Chandigarh

whereby the tenant-Geeta Sharma was required to hand over peaceful vacant possession of the demised premises by 29.7.2016.

However, in the light of the plea of the tenant that there is a fresh agreement dated 29.06.2016 and based upon that a suit for injunction stands filed, wherein the stand on behalf of the landlord is that the aforesaid fresh agreement is a forged and fabricated document, this Court is inclined to await the findings on the said agreement in the light of the evidence of the plaintiff being almost over.

Therefore, this Court is inclined to direct the trial Court to decide the pending civil suit within a time bound manner. It is agreed between the parties through their Counsel that an additional issue regarding the fact that the agreement dated 29.06.2016 being a forged and fabricated document would be got framed and the plaintiff-tenant would be given opportunity to lead her evidence in rebuttal to the evidence of the landlord on the said issue.

List on 30.04.2018 for further consideration.

In the meanwhile, learned trial Court is directed to conclude the trial in the said civil suit within two months from today. The parties would be bound by their aforesaid stand. ”

At the time of resumed hearing today, learned counsel for the parties concede that the civil suit for permanent injunction filed by the petitioner-tenant, based on the alleged fresh agreement dated 29.06.2016, stands dismissed on 27.04.2018, therefore, the main plea raised in the present revision against the orders passed by the Executing Court no longer survives.

In view of the above, this Court finds no merit in the present revision, the same is liable to be dismissed.

Dismissed.

April 30, 2018

(JASWANT SINGH)
JUDGE

'rajneesh'

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No