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

CR No.5349 of 1997 (O&M)

Date of Decision: 23.04.2018

THAKUR DASS

..... Petitioner

Versus

**LALA GORI DUTT KHYALI RAM DHARMARTH TRUST,
MOHINDERGARH THROUGH LR AND ANOTHER**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjay Mittal, Advocate
for the applicant/petitioner-tenant.

Mr. Surinder Saini, Advocate for
Mr. P.R. Yadav, Advocate
for the non-applicant/respondent No.1-landlord.

JASWANT SINGH, J. (ORAL)

The respondent-landlord filed an eviction application No.13 of 1991, seeking eviction of the petitioner/tenant, *inter alia*, on the grounds of non payment of rent.

The present revision filed by the petitioner-tenant is directed against the order dated 18.11.1997, passed by the Rent Controller, Mahendergarh, whereby the application of the landlord filed under Order 15 Rule 5 of the Civil Procedure Code for striking off the defence of the tenant for non payment of the due rent within the stipulated time, was allowed in favour of the landlord.

This Court, vide order dated 28.01.1998, '*Admitted*' the instant

revision, while staying the operation of the impugned order dated 18.11.1997, in the light of the tenant having cleared all the arrears of rent uptill 09.01.1998, in view of the permission granted by this Court on the previous dates of hearing in the aforesaid revision petition.

This Court, vide order dated 13.03.2013, dismissed the revision for non-prosecution as the tenant had failed to implead the LR's of the Trustee/ through whom the respondent-Trust had been impleaded, since grant of opportunities from the year 2001.

Subsequently, civil miscellaneous No.10760-CII of 2013 has been filed under Order 22 Rule 4 CPC for impleading the LR's of respondent No.1/landlord.

Upon notice, learned proxy counsel appearing for the landlord has submitted that the LR's have been correctly impleaded and, therefore, has no objection if CM No.10760-CII of 2013 is allowed.

Ordered accordingly.

Amended memo of parties is taken on record.

Learned counsel for the parties are agreed that a compromise stands arrived at between the petitioner/tenant and the respondent/Trust-landlord, whereby after surrendering of a portion of the demised premises, for the remaining portion, a fresh written lease deed dated 15.03.2018 stands executed between the parties.

In view of the such changed circumstances, learned proxy counsel for the respondent-landlord has no objection if delay of 14 days in filing the restoration application (CM-10758-CII-2013) and also the application bearing No.CM-10759-CII-2013 under Order 9 Rule 9 CPC for

restoration of the revision petition are allowed and the main revision itself disposed of as infructuous in the light of the amicable settlement.

Learned counsel for the petitioner/tenant, on instructions from his client-Ms. Usha Khurana daughter of Mr. Thakur Dass, petitioner (tenant) concedes that the amicable settlement in terms of the aforesaid terms stands arrived at and therefore prays for permission to withdraw the main revision petition itself after allowing the application for restoration.

In view of the aforesaid stand of the respondent/landlord, application bearing *CM No.10758-CII of 2013* is allowed and the delay of 14 days in filing the restoration application is condoned and further in view of the prayer by counsel for the applicant/petitioner-tenant, application bearing CM No.10759-CII of 2013 seeking restoration of the revision petition is also allowed, and the main revision petition is permitted to be **dismissed as withdrawn.**

April 23, 2018

'rajneesh'

**(JASWANT SINGH)
JUDGE**

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