

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

**C. M. No. 2945-CII-2018 in/and
C.R. No. 813 of 2013
Date of decision : 06.03.2018**

Ravi PaulPetitioner
versus

Hari Kishan ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Robin Dutt, Advocate
for the applicant-petitioner.

Mr. Puneet Jindal, Sr.Advocate with
Ms. Neha Anand Mahajan, Advocate
for the respondent.

RITU BAHRI, J. (Oral)

C. M. No. 2945-CII-2018

This is an application under Section 151 C.P.C seeking withdrawal of the main case, as the applicant-petitioner has already surrender the possession and do not want to pursue the revision petition.

Petitioner as well as son of the respondent who has now been impleaded as party in the present petition are present in the Court. Petitioner states that there is no lock in the demised premises and the respondent can take the possession of demised premises by today itself.

Learned counsel for the respondent further informed the Court that in compliance of order dated 20.01.2015, the petitioner had deposited the mesne profits of the demised premises with the Executing Court, which has been kept in fixed deposited and was to be paid to the respondent after the decision of the case. Now since this case is now going to be dismissed as withdrawn, the amount

deposited before the Executing Court be released to the respondent.

In view of the above factual position, the application is disposed of and the main appeal is dismissed as withdrawn. However, the Executing Court is directed to release the amount to the son of the respondent, which has been deposited by the petitioner, in compliance of order dated 20.01.2015.

Further the son of the respondent is at liberty to avail any alternative remedy, if so advised, in accordance with law.

March 06, 2018
G Arora

(RITU BAHRI)
JUDGE