

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

CR No.8780 of 2014 (O&M)

Date of decision : 12.10.2018

Jaswinder Kaur Brar

...Petitioner

Versus

Asha Minhas

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Varun Katyal, Advocate for the petitioner.

Mr. G.S. Bhatia, Advocate

Mr. Vikas Bahl, Sr. Advocate with
Mr. Bikram S. Dhillon, Advocate and
Mr. Nitish Garg, Advocate for the respondent/landlord.

ANIL KSHETARPAL, J. (ORAL)

CM No.1867-CII of 2016

Prayer in the application is for grant of mesne profits from the
date of ejectment dated 05.11.2014.

Application is dismissed as not pressed.

CM No.17270-CII of 2017

Application is allowed, as prayed for.

Main case

In this case, it is unfortunate that the tenant who has been
ordered to be evicted has transferred possession in favour of a subsequent
purchaser who has only purchased a small share i.e. 12.50% in the property.

In such circumstances, it is apparent that the tenant has misused the process of the Court. After having filed revision petition in this Court and got a stay, the possession has been transferred by the tenant to the applicant, third party. The tenant is bound to surrender the possession to her landlord.

However, this Court is not required to go into this issue because once the tenant has handed over the possession which is a fact admitted by the subsequent purchaser through Civil Miscellaneous No.17270-CII of 2017 to which no reply has been filed, therefore, the present revision petition is dismissed as infructuous with costs of ₹50,000/-.

12.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No