

LPA no.516 of 2018 (O&M) 1

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

LPA no.516 of 2018 (O&M)

Date of Decision : 23.04.2018

Smt. Kaushalya Devi

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT**

Present : Mr.Sandeep Jain, Advocate for the appellant(s)

Mr. Baljinder Singh, Advocate for caveator-respondent no.4

MAHESH GROVER, J.(ORAL)

On the previous date of hearing i.e 18.4.2018 we had passed the following order:-

“Learned counsel for the appellant contends that independent of his grievance that he has raised in the petition he would still be satisfied if Kiran, the occupant of half portion of the premises as a tenant pays the rent which she has not done since 2015 @ Rs.9,000/- pm. He further states that as an interim arrangement, if half portion of the premises other than the one occupied by Kiran is left to her usage it would be to her satisfaction. The appellant also states before us that she will not alienate the property and respondent no.4 can use the half portion in possession of Kiran, as per her needs.

Learned counsel representing respondent no.4 though agreeable to such a course prays for some time to seek instructions.

Adjourned to 23.4.2018 for further proceedings.”

The parties are ad idem that the present appeal be disposed of in the following terms:-

Learned counsel for respondent no.4 – Geeta Gaur states that half portion of the disputed premises is with her sister who pays a rent of Rs.9,000/- to her, which has been satisfied till October, 2014.

Learned counsel representing her has stated on instructions that respondent no.4 would have no objection if Kiran, the occupant of the premises as a tenant under her (respondent no.4) pays the amount at the rate of Rs.9,000/- per month w.e.f November, 2014 till date to the appellant and also continue to do so in future but this may not be construed to be a creation of tenancy under her.

Learned counsel for the appellant states that he has absolutely no objection to such a course being adopted and his client will not press for any claim of tenancy in this regard. Learned counsel for the appellant states that she would only have a claim to the amount regardless of the source from where this amount is paid.

The parties are agreed that none of them would alienate the property till the time the rival claims are settled in appropriate proceedings. The half portion of the premises other than the one occupied by Kiran, sister of respondent no.4 would be left to the use of the appellant as and when she chooses to come to India from Canada. We also make it clear that this

arrangement is without prejudice to the rights of the parties qua the claims of ownership to the property that may be raised or is being contested in any of the Fora chosen by them. In case respondent no.4 desires to visit India and also use the premises other than the one in occupation of Kiran but which concededly remains vacant largely on account of the parties being residents of Canada, then it shall be open to the appellant to consider the grant of permission to respondent no.4 to use the premises. The appellant shall not permit the use and occupation of these premises to anyone else by creating any tenancy or lease or any other arrangement.

Disposed of in above terms.

(Mahesh Grover)
Judge

23.04.2018

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

(Rajbir Sehrawat)
Judge