

CM-1582-83-CII of 2014, CM-26263-CII of 2014,
CM-17476-77-CII of 2019 in CR No. 1119 of 2012

1

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

CM-1582-83-CII of 21014,
CM-26263-CII of 2014,
CM-17476-77-CII of 2019 in
CR No.1119 of 2012
Date of Decision: 13.09.2019

Danial

..... Petitioner

Versus

Sewa Singh and another

..... Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. L.M.Gulati, Advocate
for the applicant-petitioner.

Mr.Vikas Singh, Advocate
for the respondent.

LISA GILL, J.(oral)

CM-17476-CII of 2019.

Prayer in this application is for preponement of the hearing of this case which is listed for hearing on 04.11.2019.

No objection has been raised by learned counsel for the non-applicant-respondent for preponement of the date of hearing of the revision petition.

In view of the reasons mentioned in the application and specific stand of learned counsel for the non-applicant-respondent, hearing of the appeal is preponed from 04.11.2019 for today itself.

Application is disposed of.

CM-1582-83-CII of 2014.

Prayer in CM-1582-CII of 2014 is for condonation of delay of 7 days in filing the application for recalling of order dated 10.12.2013, vide which the revision petition was dismissed in default.

Prayer in CM-1583-CII of 2014 is for recalling of order dated 10.12.2013, whereby the present revision petition was dismissed in default and to restore the same to its original number.

Heard.

Keeping in view the averments in the application as well as arguments addressed, delay of 07 days in filing of the application i.e. CM-1582-C of 2014, is condoned and order dated 10.12.2013, whereby this petition was dismissed in default, is recalled and the petition is restored to its original number.

Applications are accordingly disposed of.

CM No. 26263-CII of 2014.

Prayer in this application is for bringing on record the legal representatives of the petitioner, who is stated to have passed away on 25.08.2014. He is submitted to be survived by his widow and two minor children only.

Heard.

For the reasons mentioned in the application, legal representatives of the applicant-petitioner, as mentioned in para no.2 of the application, are brought on record, for the purpose of this petition and subject to just exceptions.

Amended memo of parties is taken on record subject to just exceptions.

Application is disposed of.

CR No. 1119 of 2012.

This revision petition has been filed by the petitioner, challenging order dated 24.12.2011, passed by the learned Appellate Authority, Gurdaspur, whereby eviction petition filed by the respondent-Sewa Singh, has been allowed and ejection of the petitioner (tenant) has been ordered.

Smt. Parveen, wife of late Daniel and Lakhbir Singh Chahal son of Sewa Singh, who holds special power of attorney of the respondent-Sewa Singh, duly identified by their counsel are present in Court today.

Photocopy of special power of attorney of Sewa Singh in favour of Lakhbir Singh Chahal, is taken on record subject to just exceptions.

After arguing the matter at length, learned counsel for the petitioner, on instructions from Parveen, wife of Lt. Danial, present in Court, submits that the petitioner does not press this petition on merits but some reasonable time be afforded to make alternate arrangements and hand over vacant, peaceful possession of the property in question.

The parties have conferred amongst themselves along with their learned counsel.

Learned counsel for the parties submit that it is agreed between them that the petitioner shall handover the vacant, peaceful possession of the demised premises on or before 31.12.2019. It is further agreed between the parties that respondent-landlord shall waive off arrears of rent, if any and shall also waive off the rent for the rest of the period till 31.12.2019, though the respondent-landlord shall be entitled to the amount which stands deposited before the learned Rent

Controller, Gurdaspur.

Keeping in view the facts and circumstances of the case and specifically the stand of the parties, this petition is dismissed as not pressed. The petitioner is, however, permitted to retain possession of the demised premises till 31.12.2019, subject to the petitioner submitting a specific and categoric undertaking before the learned Rent Controller, Gurdaspur to the effect that she shall hand over vacant, peaceful possession of the demised premises to the respondent-landlord on or before 31.12.2019. This undertaking shall be submitted by the petitioner within one week from receipt of certified copy of this order.

It is made clear that in case, the said undertaking is not furnished by the petitioners within a period of one week from the date of receipt of certified copy of this order or in case of any violation of the aforesaid terms, the respondent-landlord shall be entitled to seek eviction of the petitioner from the demised premises forthwith, with police help and without recourse to any remedy, besides, the petitioners-tenant making themselves liable to contempt proceedings. Needless to say, the respondent-landlord shall be entitled to withdraw the amount lying deposited with the learned Rent Controller, Gurdaspur towards arrears of rent.

Pending applications, if any, accordingly stand disposed of.

13.09.2019

s.khan

Whether speaking/reasoned:

Whether reportable:

(Lisa Gill)

Judge

Yes/No

Yes/No