

CM No. 21680-CII of 2019 and
Civil Revision No. 371 of 2019 (O&M)
Date of decision : October 24, 2019

Dwarka Dass Jain through LR

.....Petitioner

Versus

Gurdev Singh and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Divanshu Jain, Advocate
for the petitioner.

Mr. Sharan Sethi, Advocate
for respondents No. 1 and 2.

LISA GILL, J.

Prayer in CM No. 21680-CII is for preponement of the hearing of the revision petition, which is listed for 22.11.2019 and for withdrawal of the revision petition in view of the settlement arrived at between the parties.

Notice of the application.

Mr. Sharan Sethi, Advocate accepts notice on behalf of the non-applicant/respondents No. 1 and 2.

Learned counsel for the petitioner submits that the matter has been amicably resolved between the parties and it is agreed that the petitioner shall hand over peaceful vacant possession of the premises on or before 30.04.2021 and that the respondents have agreed not to press for or claim mesne profits for use and occupation of the demised premises.

An undertaking by way of affidavit dated 14.10.2019 of Smt. Adarsh Pankaj Jain, legal representative of the petitioner – Dwarka Dass Jain is attached with this application as Annexure P8. The same is taken on record subject to just exceptions.

A cheque dated 16.10.2019 drawn on Indian Bank, Sector 21, Panchkula for a sum of ₹12,804/- towards the arrears of rent, with effect from the date of ejectment till 31.10.2019 has been handed over to learned counsel for the respondents in Court today. The petitioner further undertakes to pay and deposit the future rent at the rate of ₹1067/- by the 7th of each calendar month till vacation of the premises. It is, thus, submitted that the petitioner be permitted to withdraw this petition in view of the settlement arrived at between the parties.

Learned counsel for the respondents affirms and verifies the factum of the settlement arrived at between the parties.

Keeping in view the facts and circumstances as above, hearing of this revision petition is preponed from 22.11.2019 for today itself.

Accordingly, revision petition is dismissed as withdrawn.

Needless to say in case, there is any violation of the aforesaid terms and conditions, the landlord shall be entitled to seek eviction of the petitioner from the demised premises forthwith, with police help and without recourse to any other remedy, besides the petitioner – tenant making himself liable to contempt proceedings.

October 24, 2019
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No