

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

269

CR-5650-2017 (O&M)
Date of Decision : 22.08.2019

Kashmiri Devi

.... Petitioner

Versus

Mota Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.K.S.Boparai, Advocate
for the petitioner.

Mr.Ranbir Singh, Advocate
for the respondent.

RAMENDRA JAIN, J. (ORAL)s

The petitioner through this revision petition under Article 227 of the Constitution of India has laid challenge to order dated 19.04.2017 (Annexure P-6) of the Rent Controller, Ludhiana, whereby her application under Order 7 Rule 11 CPC to reject eviction petition of the respondent under Section 13 of the East Punjab Urban Restriction Act (in short, "the Act"), was dismissed.

Heard.

Undisputedly, the petitioner pursuant to the agreement to sell dated 11.07.2011 executed by respondent in her favour filed a suit for specific performance. The same was decreed vide judgment and decree dated 18.11.2015. Thereafter, on attaining its

finality, the petitioner filed execution and got executed and registered sale deed dated 15.11.2017 in her favour through Court. Possession of the suit property was already with her. Symbolical possession was also delivered to her through process of Court. Consequently, the aforesaid judgment and decree was satisfied in favour of the petitioner vide order dated 18.11.2015.

During the pendency of the suit, the respondent filed a petition under Section 13 of the Act against the petitioner for her ejectment from the suit property. The petitioner moved an application under Order 7 Rule 11 CPC to reject the same, which vide impugned order has been dismissed.

Heard.

After passing of the aforesaid judgment and decree dated 18.11.2015, no cause of action survived in favour of the respondent. Rent Controller ought to have accepted application of petitioner under Order 7 Rule 11 CPC, inasmuch as there was no reason for him to reject the same. From the perusal of the impugned order, it is apparent that the same is completely cryptic, unreasoned and unjustified. Hence the same is liable to be set aside.

In view of the discussion made above, the revision is accepted and the impugned order is set aside. Consequently, the rent eviction petition filed under the Act by the respondent is

rejected while allowing the application of the petitioner under Order
7 Rule 11 CPC.

August 22, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No