

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CR-6189-2018 (O&M)

Date of Decision: February 28, 2019

Shamsher Singh Atwal

Petitioner

Versus

Avtar Singh

Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Shamsher Singh Atwal (petitioner in person).

Mr. Vishal Sharma, Advocate
for the respondent.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed seeking to challenge the order dated 16.01.2017 of the Appellate Authority as well as the order of the Rent Controller by which his eviction has been ordered under Section 13 of the East Punjab Urban Rent Restriction Act, 1949.

Notice of motion was issued on a limited question as to whether it is obligatory on the part of the landlord to make a specific plea/ averment about the bona-fide necessity of his son (dependent) and while issuing notice of motion the operation of the impugned orders was stayed subject to the condition that the petitioner would clear all the outstanding occupation charges within a period of ten days and would furnish an additional security i.e. an amount of ₹50,000/- in the form of Bank guarantee with the Registrar General of this Court. The matter is taken up for hearing today and the

petitioner submits that the matter has been compromised which fact is not disputed by the respondent who is present in Court along with his counsel Mr. Vishal Sharma. It is stated that in terms of the compromise entered into, he has in fact vacated the premises, however, prays that the security amount ₹50,000/-, which is lying deposited in the Registry in the form of a Bank Guarantee be released to him.

I have heard learned counsel for the parties and in view of the fact that the matter has been settled and that the petitioner has handed over the vacant possession, which fact is not disputed by the counsel opposite, the security amount of ₹50000/- which is lying deposited by the petitioner in terms of order dated 12.10.2018 of this Court is directed to be released forthwith. (A photocopy of the identity proof of the petitioner i.e. his Aadhar Card is taken on record.)

Disposed of accordingly.

February 28, 2019

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No