

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

CR-8700-2017 (O&M)

Date of Decision: February 27, 2019

Vijay Sethi

Petitioner

Versus

Nonihal Singh

Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. I.S. Pabla, Advocate
for the petitioner.

Mr. Birender Kehar, Advocate
for the respondent.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed seeking to challenge the order of assessment of provisional rent by the Rent Controller vide its order dated 02.03.2017 wherein the provisional rent was assessed along with interest and cost @ ₹12,4,000/-. The appeal against the said assessment order was dismissed by order dated 31.10.2017 which order has been challenged in the instant revision petition.

Notice of motion was issued and appearance has been caused by Mr. Birender Kehar, Advocate on behalf of the respondent-landlord, who would contend that the instant petition has been rendered infructuous since an order of eviction has already been passed by the Rent Controller vide order dated 03.08.2018.

It is submitted that the Rent Controller while taking into

account the operative operation of the order of the High Court in the instant petition has ordered eviction since the petitioner-tenant had failed to deposit arrears of mesne profit as assessed by the High Court. It is also submitted that pursuant to the said order of eviction, execution petition has already been filed and the objections raised in the said petition have already been dealt with. By an order dated 13.02.2019 warrants of possession has also been ordered while dismissing the objection petition.

In view of the fact that eviction stands already ordered, the proceedings initiated under the Civil Revision petition are dismissed as having been rendered infructuous, leaving it open to the petitioner to re-agitate the matter in case it is found that no such orders have been passed.

Dismissed, having been rendered infructuous.

February 27, 2019

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No