

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

**CR-7578-2019 (O&M)  
Date of Decision:18.01.2021**

Priya Grover

... Petitioner

Versus

Poonam Madan

... Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. P.S. Jammu, Advocate for the petitioner.

Mr. S.K. Sharma, Sr. Advocate with  
Mr. Amit Jain, Advocate for the respondent.

...

**TEJINDER SINGH DHINDSA, J. (ORAL).**

**CM-25778-CII-2019:**

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Application is allowed as prayed for. The accompanying documents i.e. application for preponement dated 18.09.2019, Execution Petition dated 06.11.2019, order dated 14.11.2019 and order dated 16.11.2019 are taken on record as Annexures R-1 to R-4 respectively.

Complete copy thereof already stands furnished to counsel opposite.

Application is disposed of.

**Main case:**

Instant revision petition under Article 227 of the Constitution of India is directed against the order dated 19.11.2019 passed by the Executing Court in terms of which warrant of possession of the premises in occupation

of the tenant/petitioner herein was issued for 02.12.2019.

The instant revision petition had come up for preliminary hearing before a Coordinate Bench of this Court on 28.11.2019 and the following order was passed:

*“Learned counsel for the petitioner at the outset submitted that he is ready to pay the amount towards the dishonored cheque.*

*Notice of motion for 31.03.2020.*

*In view of the said statement, the order dated 19.11.2019 is stayed, subject to deposit of the remaining amount of provisional rent as assessed, which shall also include the rent up till the date of order of stay, by way of demand draft on or before 03.12.2019. In case, the amount is not paid by way of demand draft, the eviction proceedings shall proceed further.”*

It is not in dispute that a specific order of vacation of the suit property was passed by the Rent Controller vide order dated 30.09.2019. The tenant/petitioner herein filed appeal against such order and which is pending before the Appellate Court and is presently fixed for 23.02.2021. In the present case, provisional rent had also been assessed for the premises in question @ Rs.1,40,000/- per month.

Perusal of the order placed on record at Annexure R-3 dated 14.11.2019 passed by the Appellate Court would show that an undertaking had been recorded on behalf of the appellant/tenant (petitioner herein) to hand over a bank draft for Rs.6,24,000/- i.e. the remaining amount of provisional rent assessed. Keeping in view such undertaking, the Appellate Court had adjourned proceedings to 16.11.2019 for handing over the bank draft.

Apparently, even though, there is no specific order passed by

the Appellate Court staying the operation of the eviction order, yet the tone and tenor of the order dated 14.11.2019 was only towards granting to the tenant some protection subject to fulfillment of the undertaking as regards making good the remaining amount of the provisional rent that has been so assessed.

Counsel for the parties are *ad idem* that the petitioner/tenant has made good the provisional rent assessed @ Rs.1,40,000/- per month upto December, 2020.

Submissions on both sides in the instant revision petition were heard today.

The petition is disposed of in terms of a consensus having been arrived at and as indicated hereinafter.

Petitioner undertakes to make good the payment of provisional rent @ Rs.1,40,000/- by the 10<sup>th</sup> of each calendar month during the pendency of the appeal before the Appellate Court. Proceedings before the Executing Court in the meanwhile would be held in abeyance. The Appellate Court is requested to decide the appeal preferably on the date already fixed i.e. on 23.02.2021 or within a period of not more than four weeks thereafter.

Contentions and submissions to be raised before the Appellate Court on both sides is kept open.

The instant revision petition is disposed of in the light of instant agreed order.

**18.01.2021**

*harjeet*

**(TEJINDER SINGH DHINDSA)**

**JUDGE**

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No  
Yes/No