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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CR-78-2019 in
CR-1943-2018 (O&M)
Date of Decision:29.08.2022

SUNITA

.. Applicant/Petitioner

Vs.

PUNEET

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Lochab, Advocate
for applicant-petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner-Sunita has filed this review application against the final order dated 23.03.2018 passed by this Court, whereby her claim in revision petition challenging the order dated 24.01.2018 passed by Appellate Authority, Faridabad upholding the eviction order dated 24.07.2015 passed in Rent Petition No.36 dated 08.05.2014 by the Rent Controller, Faridabad, was given up on merits and while allowing her to withdraw the revision petition, she was afforded time upto 31.12.2018 to vacate the demised premises.

The review application carries a delay of 379 days, and a separate application bearing No.CM-10499-C-II-2019 has also been filed to seek condonation of the said delay.

For the reasons mentioned in the application, the same is allowed and delay of 379 days in filing the review is condoned.

The revision petition was disposed of vide order dated

23.03.2018 by passing the following order:

“After arguing at length, learned counsel for the petitioner seeks permission to withdraw this petition with prayer that petitioner be allowed reasonable time for vacating and handing over the possession of the demised premises to the respondent-landlord.

In view of request of learned counsel for the petitioner, this petition is dismissed as withdrawn. The revision petitioner is allowed time till 31.12.2018 to vacate and hand over the vacant possession of the demised premises to the respondent-landlord, subject to the following terms:-

(i) The petitioner-tenant will pay/deposit the entire due rent upto 31st March 2018 within two weeks.

(ii) She will keep on paying/depositing the advance rent/mesne profits of subsequent months upto 31.12.2018 on or before 7 th day of each month.

(iii) She will file affidavit before the Executing Court within three weeks giving details of entire payment of rent/mesne profits and undertaking to vacate and hand over the vacant possession of the demised premises to the respondent on or before 31.12.2018.

In case of default in compliance of any of the above terms, the respondent-landlord will be entitled to execute the order of ejectment forthwith.

The order has been passed in the absence of respondent to avoid unnecessary delay and expenses. A copy of this order be conveyed to the respondent. In the event of respondent having any objection, he/she may file application to that effect. On receipt of the application, the same be listed for hearing.”

Today, Mr. Vikas Lochab, Advocate has appeared and filed fresh vakalatnama on behalf of applicant-petitioner. The same is taken on record.

Learned counsel for the petitioner has submitted that the above order was passed on the basis of the statement made by applicant's counsel, whereas the petitioner/applicant had given no instructions to him to make such a statement and aggrieved against this order, the petitioner had preferred the Special Leave Petition before the Hon'ble Supreme Court and the same was also disposed of vide order dated 04.04.2019, wherein the

stand of the applicant is noticed, however, the Hon'ble Supreme Court had refused to interfere with the order dated 23.03.2018, therefore, the applicant is seeking review of the order on this ground alone. He prays that the order dated 23.03.2018 be reviewed and the revision petition be adjudicated on merits.

After hearing the learned counsel and considering the above sequence of events, this Court finds that the only ground raised in review application by applicant-petitioner is being pleaded much after the expiry of period granted to her for vacating the property in question, and the same is not only mischievous, but an afterthought also, because the petitioner could have approached this Court immediately to seek review of the said order. The power of attorney executed and signed by petitioner-Sunita in favour of her counsel Mr. Johan Kumar, Advocate clearly shows that she had authorized her counsel to withdraw or compromise the said case.

A perusal of the case file shows that the order under review was passed in March, 2018 and according to it, the petitioner/applicant was required to vacate the demised premises upto 31.12.2018 for handing over its possession to the respondent and she enjoyed the benefits of this order without raising any objection, much less lack of instructions to her counsel. Further, the SLP before the Hon'ble Supreme Court was filed after a period of one year in March, 2019 and vide order dated 04.04.2019, the same was disposed of as not maintainable.

Thus in view of the above discussion, this Court has no hesitation in holding that the application for review is frivolous and it has wasted the precious time of the Court.

Resultantly, the review application is dismissed with costs of

Rs.50,000/- to be paid by the applicant-petitioner to the respondent-landlord within a period of two months, failing which the Executing Court shall ensure the recovery and deposit of the costs, in accordance with law.

29.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No