

**131 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RA-CR-48-2022

in CR-409-2018

Date of decision: 02.06.2022

Indu Rana

....Petitioner

Versus

Jinder Pal Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None

ANIL KSHETARPAL, J (Oral)

Case has been called out twice. Learned counsel representing the review applicant did not come forward to attend the hearing. This Court has gone through the paper book. On 17th May, 2022, while disposing of the revision petition, the following order was passed by this Court:-

“1. After arguing at length and realizing the difficulty in persuading the Court to interfere in the order of eviction passed by the Rent Controller, affirmed in appeal by the Appellate Authority, the learned counsel representing the petitioner submits that he has instructions not to press this revision petition on merits, provided the petitioner is granted eight months time to handover the vacant physical possession of the tenanted premises to the landlord.

2. The learned counsel representing the respondent has not submitted any objection to the aforesaid request made by the petitioner.

3. In view of the aforesaid facts and as prayed for, the present revision petition is dismissed as withdrawn with the following terms:-

(i) The tenant shall file an undertaking before the Rent Controller to handover the vacant physical possession of the tenanted premises to the landlord on or before 16.01.2023.

(ii) The petitioner shall be liable to pay all the arrears of rent, if any due, within one month. She shall also be liable to deposit the advance rent by

7th of each calender month, either before the Rent Controller or in the bank account of the landlord.

(iii) The tenant shall be liable to file an undertaking to this effect before the Rent Controller within a period of one month from the date of receipt of a certified copy of the order.

(iv) She will also file an affidavit that she shall not transfer the possession of the premises to someone else.

The miscellaneous application (s) pending, if any, shall also stand disposed of. ”

The petitioner claims that she did not authorise her counsel to withdraw the petition. On a careful reading of the power of attorney executed by the petitioner in favour of her counsel, it is evident that the power to withdraw/compromise has been conferred. Clause 2 & 3 of the vakalatnama reads as under:-

“2. To Present Pleadings, Appeals, Letters Patent Appeals, Cross-objections or petitions for execution, review, revision, withdrawal, compromise, or other Petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said cause in all its stage.

3. To withdraw or compromise the said cause or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said cause.”

Such a practice needs to be curbed. The Advocates are the officers of the Court and they normally make sincere efforts to get the relief for the party they represent. Such allegations against an Advocate are not appropriate. In any case, this Court has examined the case on merits. On reading of the application for leave to defend, it is evident that the petitioner has failed to make out any valid ground for the grant of leave to defend. It may be noted here that the rent petition before the rent Controller was filed under Section 13-B of the East Punjab Urban

Rent Restriction Act, 1949, in the year 2015. Section 13-B enables a Non Resident Indian to get immediate possession of the premises. Even after a period of 7 years, the landlord is made to wait for possession. Consequently, no ground to review the order dated 17th May, 2022 is made out. Even otherwise, there is no ground to interfere with the order passed by the Rent Controller refusing leave to defend. Hence, the review application is dismissed with costs of Rs.50,000/- which shall be deposited with the Poor Patients Welfare Fund of Post Graduate Institute of Medical Research and Science, Chandigarh, within a period of one month, from today and receipt thereof shall be presented in the Registry.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

02.06.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE