

101 (2 cases)

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

Date of Decision: 19.04.2023

1) CR-5867-2015 (O&M)

Sudhir Gupta and another

Versus

....Revisionists

Ashok Kumar Bhatia

....Respondent

2) CR-1791-2017 (O&M)

Satish Kumar Gupta (deceased) through LRs.

Versus

....Revisionists

Ashok Kumar Bhatia

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. M.L. Saggar, Sr. Advocate with
Ms. Armaan Saggar, Advocate
for the revisionist(s).

Mr. B.D. Sharma, Advocate
for the respondent in CR-5867-2015.

Mr. Sahil Khunger, Advocate
for the respondent in CR-1791-2017.

ARUN MONGA, J. (ORAL)

Main cases

Revision petition bearing CR-5867-2015 has been filed for setting aside order dated 27.11.2012 passed by Ld. Rent Controller and order dated 28.07.2015 passed by Ld. Appellate Authority allowing ejectment of revisionists from the demised premises i.e., Shop No.1 at Basti Road, Opposite State Bank of Bikaner, Jalandhar City.

2. Revision petition bearing CR-1791-2017 has been filed for setting aside order dated 30.4.2016 passed by Ld. Rent Controller and order dated 02.02.2017 passed by Ld. Appellate Authority allowing ejectment of revisionists from the demised premises i.e., Shop No.2 'known as M/s Bearing Udyog' situated at Basti Road, Opposite State Bank of Bikaner, Jalandhar City.

3. Vide this common order and judgment, above mentioned two revision petitions are being disposed of since facts are analogous and issues raised therein are common. For brevity, recitals are taken from CR-5867-2015.

4. Succinct facts first.

4.1. Respondent herein/landlord has claimed eviction of revisionists herein *inter alia* on the ground that rent w.e.f. 01.06.2003 has not been paid. It was further stated that the premises in question are required for personal use and occupation of respondent, who wants to shift back to Jalandhar from Delhi to start the profession of Chartered Accountant in the premises in question and the adjoining shop i.e. Shop No.2.

4.2. Eviction petition was contested *inter alia* on the ground that the same has been filed with a *malafide* intention to put pressure to enhance monthly rent. Ld. Rent Controller while allowing the issue of personal necessity in favour of respondent/landlord allowed ejectment of revisionist(s) from the demised premises vide impugned order dated 27.11.2012. Appeal filed by revisionist/tenants was also dismissed by learned Appellate Authority, Jalandhar vide impugned order dated 28.07.2015.

5. Today, the learned senior counsel for revisionist(s) submits that revisionist(s) wish to hand-over the vacant possession of both the demised premises to respondent-landlord. This Court appreciates the fair approach adopted by learned counsels representing both sides with whose efforts settlement has been

arrived at between the parties in the present proceedings. In the course of hearing,

keys of both the demised premises have been handed over to the respondent/landlord, who unconditionally waived off his right to recover arrears of rent from the revisionist(s), who suffered losses during COVID pandemic.

6. In view of the aforesaid scenario, nothing survives for adjudication before this Court. Both the revision petitions stand disposed of as infructuous. Needless to say that in view of amicable settlement, the impugned orders passed by Ld. Authorities below, are now rendered nullity and respondent-landlord shall not institute any execution proceedings.

7. Pending application(s), if any, shall also stand disposed of.

8. A photocopy of this order be placed on the file of the connected case.

(ARUN MONGA)
JUDGE

April 19, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No