

[2023:PHHC:046923]

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

**COCp-535-2020 (O&M)
Date of decision: 29.03.2023**

Parveen Bala

...Petitioner

Versus

Bhupinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arun Takhi, Advocate
for the petitioner.

Mr. S. S. Narula, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Learned counsel for the petitioner alleges violation of the undertaking given by the respondent in the shape of a statement made before the Additional District Judge/Appellate Authority under the Rent Act to hand over the vacant possession of the demised premises to the petitioner by 31.12.2019.

Learned counsel for the petitioner submits that when the execution petition was filed, the respondent has vacated the premises and the execution petition was dismissed as withdrawn on 04.05.2022, therefore, the execution stands complied with.

Learned counsel for the petitioner further submits that the respondent has delayed the proceedings, despite the fact that in the statement, it was agreed that *“both the parties have agreed that they will not file any revision or appeal against the order of this Court passed on the basis of the fresh compromise.”* However, the respondent has filed a review

[2023:PHHC:046923]

application and on that pretext, the possession was not delivered.

In reply, learned counsel for the respondent submits that the possession has been handed over and the execution proceedings stand satisfied. Learned counsel has referred to an order dated 22.01.2016, which was passed on the basis of the compromise, wherein an observation was made that it is further agreed that the petitioner will not seek any execution of the eviction order, except in case the respondent indulges in violation of the terms of the compromise and only thereafter, the execution was filed and possession has been handed over.

Be whatsoever, in view of the above submissions of learned counsel for the parties, no further action is called for in the present petition and the same is disposed of.

Rule stands discharged.

The petitioner is granted liberty to avail the alternative remedy, in accordance with law, if so advised.

29.03.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No