

130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7947-2018 (O&M)

Date of decision: 06.02.2024

Narinder Arora

....Petitioner

Versus

Rajesh Khanna

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None for the petitioner
Mr. Sudhir Paruthi, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

On 22.11.2018, the following order was passed by this

Court:-

“Heard.

Learned counsel for the petitioner has argued that revision-petitioner in his written reply has taken a specific plea that the respondent-landlord had no locus standi to file the ejectment petition, which is not maintainable. Issue no. 2 regarding maintainability of the ejectment petition and issue no. 5 regarding locus standi to file the ejectment petition were specifically framed.

The premises in question was taken on rent from Dev Raj Khanna. The petition was filed by Rajesh Khanna, his son. Dev Raj Khanna left behind a Will in favour of his grandson, copy of which was placed as mark 'R1'. In order to prove the Will application was moved to examine Sarju Khanna, grandson of Dev Raj Khanna, which was declined on the ground that this Will was not pleaded. The Will is a family document of respondent and was not required to be pleaded. The revision-petitioner by producing the evidence could prove that the respondent being not owner of the suit property is not competent and has any locus standi to file the ejectment petition.

Notice of motion for 28.01.2019.

Execution of the ejectment order shall remain stayed till the next date of hearing, subject to the condition that the petitioner will pay mesne profits of the demised premises @ ₹7500/- per month from the date of order of the Appellate Authority till 30.11.2018 within a period of four

weeks from today alongwith entire arrears of rent/mesne profits due till that date. In case, the rent/mesne profits of the period till 30.11.2018 have been paid, the same will be adjusted in the mesne profits ordered to be paid vide this order. He will apprise the respondent about the deposit of above amount, which on deposit will be paid to the respondent.”

Learned counsel representing the respondent has informed the Court that the petitioner has handed over vacant possession of the tenanted premises to the respondent and therefore the revision petition is rendered infructuous. He has produced a copy of the order passed by Civil Judge, Junior Division, on 07.03.2020, which reads as under:-

“Regular counsels are not appearing before court as the District Bar Association, Jalandhar has observed "No Work Day" for today i.e. 07.03.2020.

Narinder Arora, JD came present in the court and got recorded his statement that keeping in view the genuine need of the DH, he vacate the demised premises of his own without any pressure of any kind. He has delivered the physical vacant possession of the demised premises to the DH. He undertake not to indulge in any kind of litigation with the DH in future. No amount of any kind lying payable by him to the DH or by the DH to him. Copy of his aadhar card is Ex.C1.

On the other hand, Rajesh Khanna, DH got recorded his statement that he has received the physical vacant possession of the demised premises today. The JD has handed over the keys of the demised premises to him in the court. He undertake not to indulge in any kind of litigation with the JD in future with regard to the demised premises. No amount of any kind is lying payable by him to the JD or by the JD to him. Copy of his aadhar card is Ex.C2. The order stands fully satisfied as such the present

execution may kindly be dismissed as withdrawn being fully satisfied.

In view of the statement recorded by the both the parties, present execution stands dismissed as withdrawn being fully satisfied. File be consigned to the Record Room.”

In view of the aforesaid facts, the revision petition is dismissed as infructuous with liberty to the petitioner to file application for revival, if the facts are otherwise.

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

06.02.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE