

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CR-647-2024 (O&M)
Decided on: 28.05.2024

Dawinder Mohan Wadera

...Petitioner

Versus

Amrinder Singh @ Appu and another

...Respondents

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Amit Arora, Advocate
for the respondents/caveator.

RITU TAGORE, J.

1. Today, the revision petition is for notice to the non-applicant/respondent-landlord on the application bearing CM-7982-CII-2024 filed by the petitioner-tenant (since deceased, now represented through his LR-Rahul Wadera), under Section 151 CPC read with Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as ‘the Act, 1949’) seeking to stay further proceedings, in execution petition pending against the applicant, before the learned Executing Court.
2. On oral request of the parties, the main petition which is fixed for 31.07.2024 is taken up today itself for decision.
3. This is a revision petition filed by the tenant-petitioner, since deceased through his LR-Rahul Wadera against the judgment dated

20.11.2023 passed by learned Appellate Authority, Tarn Taran in RA-7-2022 titled 'Dawinder Mohan Wadera through LRs Vs. Amrinder Singh @ Appu' vide which an appeal filed under Section 15 of the Act, 1949 was dismissed, affirming the ejectment order/judgment dated 24.11.2022 passed by learned Rent Controller, Tarn Taran.

4. After some deliberations, learned counsel for the petitioner, on the instructions of the LR of deceased petitioner-tenant, submits that Rahul Wadera-LR of deceased-petitioner, shall clear entire arrears of rent due as of today at the rate of Rs.500/- per month alongwith statutory rate of interest as assessed before the learned Executing Court, and shall tender the same on due date of hearing as fixed before the Court.

5. It is further agreed that the LR of petitioner shall vacate the demised shop on or before 31.12.2024 and shall continue to pay rent regularly at the rate of Rs.500/- per month by the 10th of every month until the LR vacates the shop.

6. It is also agreed that the LR of the petitioner shall submit his affidavit before learned Executing Court, containing the above said conditions of clearing the arrears of rent and making regular payment of rent until the same is vacated by him on or before 31.12.2024. The learned counsel for the respondent-landlord agrees to the above undertaking given by the counsel on behalf of the LR of petitioner and submits that the LR of the petitioner should remain bound by the statement made above. Both counsel submit that revision petition be accordingly disposed of.

7. In view of the matter, both the parties shall remain bound by the undertaking/statements given by them, above. However, it is made clear that if the LR of the petitioner-tenant fails to comply with the above undertaking as outlined, the respondent-landlord shall be at liberty to initiate

the legal proceedings or file contempt against the LR of the petitioner, and further shall be at liberty to move an appropriate application against the LR of the petitioner, as available to him, under the law. The Rahul Wadera-LR of the petitioner shall submit the affidavit on the due date of hearing as fixed before the learned Executing Court.

8. In view of the above, this revision petition stands disposed of accordingly.
9. Pending applications, if any, also stand disposed of accordingly.

(RITU TAGORE)
JUDGE

28.05.2024
Rimpal

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No