

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SAO NO.88 of 2014 (O&M)

Date of Order:23.01.2024

Subhash Chand

.Appellant

Versus

Harish Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Dhawan, Advocate, for
Mr. Rajinder Goyal, Advocate
for the appellant.

Mr. Ravi Dutt Sharma, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. The appellant herein is a tenant. The landlord filed a suit for possession claiming that the provisions of the Rent Act are not applicable to the tenanted premises as it was a new construction. Though, the trial court dismissed the suit, however, the first appellate court remanded the case back to the trial court.

2. The learned counsel representing the respondent produced a copy of the order dated 22.11.2021, which shows that the tenant surrendered the possession of the premises to the landlord and in view thereof the tenant's appeal was dismissed as withdrawn, which reads as under:-

“Today, the case is fixed for compromise. However, appellant/tenant Gaurav has given a statement that he has handed over the keys of tenanted premises to the landlord/respondent and learned counsel for the respondent has given a statement that he has received the

possession and keys of the tenanted premises from the appellant/tenant after reserving the right of recovery. Thereafter, learned counsel for the appellant/tenant has given a statement that in view of the statement of appellant, he does not want to proceed further with the present appeal and seeks to withdraw the same. In view of the statement given by counsel for the appellant, the present appeal is hereby dismissed as withdrawn. File be consigned to the records.”

3. Hence, the learned counsel representing the respondent submits that the present appeal is rendered infructuous.
4. However, the learned counsel representing the appellant claims ignorance.
5. Keeping in view the aforesaid facts, the appeal is dismissed as infructuous with liberty to the appellant to file an application for revival, if the facts are otherwise.
6. All the pending miscellaneous applications, if any, are also disposed of.

January 23, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: YES/NO

Whether reportable: YES/NO