



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

115

RA-CR-103-2025 (O&M)
Date of Decision: 30.07.2025

Nand Lal

...Petitioner

V/s

Ashok Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Surender Lamba, Advocate for
Mr. Rajat Sheokand, Advocate,
for the review applicant-petitioner.

VIKRAM AGGARWAL, J (ORAL)

CM-14154-CII-2025

This is an application preferred under Section 5 of the Limitation Act, 1963 for condonation of delay of 27 days in filing the review application.

Though the grounds referred to in the application do not depict any sufficient cause, keeping in view the interest of justice, the present application is allowed and the delay of 27 days in filing the review application is condoned.

RA-CR-103-2025(O&M)

This is a review application preferred under Section 114 of the Code of Civil Procedure, 1908 (for short the "CPC") seeking review of order dated 26.05.2025.

2. The applicant-petitioner had instituted CR-3053-2025 assailing the order dated 02.05.2025 passed by the Appellate Authority, Gurdaspur dismissing the appeal filed by the applicant-petitioner against the order dated 20.09.2023 passed by the Court of Rent Controller, Gurdaspur, vide which the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the "1949 Act") filed by the non-applicant-respondent seeking eviction of the applicant-petitioner was allowed.



3. The revision petition was disposed of vide order dated 26.05.2025 on account of an amicable settlement having been arrived at between the parties and four months time was granted to the applicant-petitioner to hand over the vacant possession of the demised premises to the non-applicant -respondent.

4. It has been averred in the instant review application that the applicant-petitioner is using the demised premises (fully described in the eviction petition) for the last more than 35 years and he is now 73 years old. It has been averred that the demised premises is not required by the non-applicant-respondent for any bona fide requirement as his son is already carrying on his business in another shop. It has also been averred that this is the only source of livelihood of the applicant-petitioner.

5. It has further been submitted that counsel for the petitioner had never given any statement as regards a compromise having been arrived at between the parties.

6. It has also been averred that when the Court was not inclined to allow the petition, counsel sought some reasonable time for vacating the shop but only four months were granted. It has been averred that this Court has not properly appreciated the arguments of learned counsel, which has necessitated the filing of the instant review application.

7. I have heard learned counsel for the petitioner.

8. Mr. Surender Lamba, learned counsel for the applicant-petitioner submits that the applicant-petitioner seeks review of the order dated 26.05.2025. On a pointed query having been put to learned counsel, he concedes that the factual position reflected in the orders dated 19.05.2025 and 26.05.2025 is correct.



9. I have considered the submissions made by learned counsel for the applicant-petitioner but find the same to be devoid of merit.

10. The applicant-petitioner has misused the process of law by filing the instant application. When the revision petition came up for hearing for the first time on 19.05.2025, the following order was passed:-

“Learned counsel for the petitioner, upon instructions submits that the petitioner does not challenge the impugned judgments on merits and that he may be granted some reasonable time to vacate the demised premises.

Notice of motion for 26.05.2025.

Dasti only.

To be taken up in the urgents.

Till then, the petitioner shall not be dispossessed.”

11. Thereafter, on 26.05.2025, the following order was passed:-

“The unsuccessful tenant is in revision against the eviction order passed by the Court of learned Rent Controller, Batala vide order dated 20.09.2023 and affirmed by the Appellate Authority vide order dated 02.05.2025.

2. *Learned counsel for the parties submit that during the pendency of the present revision petition, the parties have arrived at an amicable settlement. It has been decided that the petitioner-tenant shall hand over the vacant possession of the demised premises to the respondent-landlord on or before 25.09.2025. This shall, however, be subject to regular payment of rent as determined by the Courts below till the said date.*

3. *In view of the aforesaid statement given by learned counsel for the parties, while affirming the decision of the Courts below, this petition is disposed of with the following directions:-*

i) *The petitioner shall hand over the vacant possession of the demised premises to the respondent-landlord on or before 25.09.2025.*

(ii) *The rent, as assessed by the Courts below, shall be continued to be paid to the respondent-landlord.*

(iii) *Parties to the present petition shall remain bound by the statements given by them in the Court today.*

(iv) *In case of any violation by the petitioner of the undertaking given in the Court, the respondent would be at liberty*



to seek possession of the demised premises by filing execution/contempt or other proceedings as may be available in law.

4. Pending application(s), if any, shall also stands disposed of.”

12. The power of attorney of learned counsel for the applicant-petitioner is on record, which authorizes learned counsel, apart from other things, to withdraw or compromise the case. A perusal of the order dated 19.05.2025 shows that the statement was made by learned counsel on instructions. Similarly, on 26.05.2025, it was stated that the parties had arrived at an amicable settlement.

13. Today, learned counsel has fairly submitted that the factual situation as noticed in the orders is correct. It appears that the applicant-petitioner wants to wriggle out of the orders for obvious reasons. He cannot be permitted to do so for he is bound by the said orders passed by the Court upon a statement given by learned counsel, on instructions having been received from the applicant-petitioner.

14. This Court, for, once was inclined to impose exemplary costs upon the applicant-petitioner for having moved this frivolous and misconceived application. However, lest it may fall back upon learned counsel again, this Court refrains from doing so.

15. That being so, the present application is found to be devoid of merit and is accordingly dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

July 30, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No