

(2010) 08 P&H CK 0472

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Sukhjit Kaur and Another

APPELLANT

Vs

Government of India and Others

RESPONDENT

Date of Decision: Aug. 26, 2010

Citation: (2011) 1 CivCC 605

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.

Counsel for the respondents has relied upon the statement made by S.C. Kukreja, Income Tax Officer, Ward No. 2, Fatehabad before the appellate authority and the order passed by the appellate authority and also the statement made by the legal representatives of the landlord. The appellate authority, on the basis of the statement made by the parties, had passed the following order:

3. Joint statement of Shri B.N. Batla, Advocate and Shri S.C. Kukreja, Income Tax Officer was acceptable by Manpreet Singh appellant. Shri Manpreet appellant further stated that in view of the registered Will of his mother, he is the sole landlord-cum-owner of the property in dispute and there is no other legal heir of deceased Sukhjeet Kaur nor any person would claim the property in dispute.

4. In view of the statement of the parties to the appeal, this appeal is hereby accepted. Consequently, the impugned judgment of the trial Court is hereby set aside and the eviction-petition of the landlords filed u/s 13 of the Rent Act is hereby allowed and an eviction order in respect of the building in dispute as shown in site plan Ex.A1 is hereby passed in favour of the appellants/landlords and against the respondents in terms of the compromise arrived at between the parties out of the Court and as mentioned in their statements. The eastern portion of the building in dispute shall be vacated by the respondents within 15 days from today after removing their records. The respondents shall intimate the landlord about the vacation of this portion. The western portion of the building in dispute which is

L-shaped along with entrance and the open space lying in front of the building shall be vacated by the respondents within a period of three years from today. The respondents shall pay rent of this western portion at the rate of Rs. 675/- per month w.e.f. 1.11.2006. They would not retain the possession of this portion after three years from today in any manner. In the events, they failed to vacate this portion, the landlord shall be entitled to evict them from this portion by filing execution of this judgment. The respondents shall pay rent to the landlord of the building in dispute at the rate of Rs. 1354/- per month until 31.10.2006. The landlord shall construct a pucca wall on point A to A1 as shown in red colour in site plan Ex.A1. The parties are left to bear their own costs. Memo of costs be prepared. The file of the trial Court be sent back with one copy of this judgment and the file of the appeal be consigned to the records after compliance.

2. Counsel for the respondents has stated that since the rent assessed by the authorities under the Act has been accepted by the landlord and now the premises have been vacated, nothing survives in the present petition.

3. Mr. Ishar Singh Vimal, Advocate appearing for the petitioner, has stated that no instructions to this effect have been given to him by the petitioners.

4. Accordingly, the present petition is disposed of in view of the statement made by Counsel for the respondents, with a liberty to Counsel for the petitioner to revive the same in case any of his grievances subsists.