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## Sukhjit Kaur and Another Vs Government of India and Others

## None

Court: High Court Of Punjab And Haryana At Chandigarh

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 uptil 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.