

2025:PHHC:096120



SPECIAL MEDIATION DRIVE

37

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

**CR-2529-2009 (O&M)
Date of Decision: 28.07.2025**

Om Parkash

..... Petitioner

Versus

Ved Parkash

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: None for the petitioner.

Mr. Rajinder Goyal, Advocate and
Mr. Rahul Verma, Advocate
for the respondent.

HARSH BUNGER J. (ORAL)

The matter has been listed before this Court for referring the same to Mediation under the Special Mediation Drive - Mediation "For the Nation".

2. The present petition has been filed by the petitioner-tenant challenging the judgment dated 22.02.2008 passed by the learned Rent Controller, Pehowa, in Rent Petition No.28 of 2004, filed under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (in short 'the 1973 Act'), whereby the petitioner was directed to hand over vacant possession of the tenanted premises to the respondent-landlord within a period of four months from the date of the said order.

2.1 A further prayer has been made for setting aside judgment dated 07.02.2009 passed by the Appellate Authority, Kurukshetra, whereby the appeal preferred by petitioner herein against the eviction order dated 22.02.2008 was dismissed.

3. Today, learned counsel for the respondent (decree holder) has handed over in Court a certified copy of order dated 28.09.2015 passed by the learned Executing Court, which is taken on record, subject to all just exceptions. Relevant extract thereof reads as under:-

“Warrants of possession issued in favour of decree holder received back duly effected with the report that possession of the property in question was delivered to the decree holder on 19.9.2015.

Also decree holder Ved Parkash made a statement that he has received the possession from J.D. in the present execution petition through Court. So, he does not want to pursue with the present execution petition and he has no objection if the present execution petition be consigned to the records being fully satisfied. His statement to this effect recorded separately. He has been duly identified by his counsel.

Heard. Accordingly, present execution petition stands dismissed as withdrawn being fully satisfied.

At this juncture, learned counsel for the decree holder submitted that the application of DH for issuance of refund voucher is yet to be decided. Heard. File perused. Let, requisite refund voucher of the amount of Rs.2,355/- deposited at CCD no.3 dated 1.5.2012 and the amount of Rs.2,355/- deposited at CCD no.2 dated 29.4.2013 be issued in favour of decree holder as per rules. File be consigned to the record room after due compliance.”

3.1 Learned counsel, while referring to the aforesaid order, submits that the present petition has been rendered infructuous in view of the fact

that possession of the tenanted premises has already been delivered to the decree holder on 19.09.2015.

4. Today, there is no representation on behalf of the petitioner.

5. Keeping in view the above and considering that the possession of the tenanted premises stands delivered to the decree holder, the present petition is dismissed as having been rendered infructuous.

6. However, it is made clear that in case any grievance of the petitioner remains unaddressed, he shall be at liberty to seek revival of the present petition in accordance with law.

7. All the pending application(s), if any, shall also stand closed.

28.07.2025

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No