

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

CR No.1267 of 2015 (O&M)
Date of Decision : July 03, 2015

Surjeet Singh

....Petitioner

Versus

Mohammad Yaseen

....Respondent

CORAM : HON'BLE MR. JUSTICE GURMIT RAM

1. To be referred to the Reports or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present: Mr. Sunny Kumar Singla, Advocate,
for the petitioner.

GURMIT RAM, J.

1. This revision petition is preferred by the petitioner (landlord) for issuing direction to the Executing Court, Malerkotla to dispose of the execution proceedings in Execution No.26 dated 21.04.2014 titled as *Surjit Singh vs. Mohammad Yaseen* expeditiously.
2. The facts in brief as mentioned in the revision petition are that the petitioner filed an application under Section 13 of the East Punjab Rent Restriction Act (in short the Act) for eviction of the respondent (tenant) from the demised shop on the ground of non-payment of rent. The tenant did not tender arrears of rent as determined by the learned Rent Controller in the petition, and as such, the ejectment application was accepted by learned Rent Controller, Malerkotla vide order dated 12.08.2013 on the ground of non-payment

of rent. The tenant preferred an appeal against this order, which was dismissed by the learned Appellate Authority, Sangrur vide judgment dated 6.10.2014. Further he also preferred revision petition bearing CR No.8843 of 2014 before this Court, in which he gave an undertaking before this Court and as such, he was allowed to vacate the demised premises upto 23.09.2015 vide order dated 24.12.2014 but subject to following conditions:-

(i) The petitioner-tenant will pay/deposit the entire due rent/mesne profit upto 31st December 2014 within two weeks.

(ii) He will keep on paying/depositing the advance rent/mesne profits of subsequent months upto September 2015 on or before 7th day of each month.

(iii) He will file affidavit before the executing Court within three weeks giving details of entire payment of rent/mesne profits.

3. Petitioner also filed an execution application No.26 dated 21.04.2014 titled as *Surjeet Singh vs. Mohammad Yaseen*. Thereafter petitioner filed an application before the executing Court in order to know as to whether the tenant had tendered the due rent / mesne profit as per order of Hon'ble High Court dated 24.12.2014. From the report, it was revealed that no amount of due rent / mesne profit had been tendered by the tenant in compliance with the aforesaid order. It is also mentioned in the instant revision petition that the petitioner is a senior citizen aged about 82 years. The tenant had not tendered the

due rent / mesne profit since the year 2006 and enjoying the demised shop without paying any single penny.

4. It is the fact that ejectment order against the tenant has been passed by the learned Rent Controller vide order dated 12.08.2013. Appeal preferred against this order was also dismissed by the learned Appellate Authority concerned. He was granted time by the Hon'ble High Court to retain possession of the demised premises till September, 2015 in the revision petition subject to certain conditions as detailed above in paragraph No.2 of this order. Since he did not tender the due rent / mesne profit as directed by this Court vide order dated 24.12.2014 and he has been defaulting in making the payment of the due rent / mesne profit since the last more than 8 years as claimed by the petitioner/landlord, so as such he has no right to retain the possession of the tenanted premises any more. Petitioner is stated to be a senior citizen aged about 82 years. So, in these circumstances the concerned Executing Court, Malerkotla is directed to dispose of the execution application within three months from the date of receipt of certified copy of this order positively, in due course of law under intimation to this Court.

This petition is accordingly disposed of.

July 03, 2015

Gaurav Sorot

**(GURMIT RAM)
JUDGE**