

CR No. 3707 of 2015 (O&M)

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

CR No. 3707 of 2015 (O&M)

Date of Decision: September 14, 2015

Arjun Kumar

...Petitioner

Versus

Balwant Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. S.S. Walia, Advocate
for the petitioner.

Mr. Bhag Singh, Advocate
for the respondent.

AUGUSTINE GEORGE MASI, J. (Oral):

Respondent had filed the petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 seeking ejectment of the petitioner. The learned Rent Controller by order dated 25.04.2014 allowed the ejectment petition. The said judgment was upheld by the Appellate Authority by judgment dated 27.04.2015. Hence, the present petition by the petitioner-tenant.

On the basis of the statement made by counsel for the petitioner on 28.05.2015, notice of motion was issued to limited extent of affording some reasonable time to vacate the premises in order to enable the petitioner-tenant to find out some suitable alternative accommodation. On the date, following order was passed

in the revision petition:-

“After hearing the counsel for the petitioner, it is transpired that this petition is not likely to succeed on merits. At this stage, learned counsel for the petitioner requests for time to vacate the demised premises in order to enable the petitioner-tenant to find out some suitable alternative accommodation.

Notice of motion for the above-said limited purpose only, returnable by 14.9.2015.

In the meanwhile, dispossession of the petitioner-tenant from the demised premises shall remain stayed but subject to the following conditions:-

- (i) that petitioner will clear all the arrears of rent, if any, within a period of 15 days from today; and*
- (ii) that the petitioner shall continue to pay the future rent by 11th of each month till further order.*

In case the petitioner fails to comply with any of these conditions, then in that eventuality the stay order shall stand automatically vacated. ”

Counsel for the petitioner-tenant states that the petitioner would vacate the premises and hand over the vacant possession of the same to the respondent on or before 30.11.2015.

In view of the above, this revision petition stands dismissed on merits. However, as per the statement made by the counsel for the petitioner, two months and 16 days' time is granted to the petitioner to vacate the premises subject to his furnishing an undertaking in this regard before the Rent Controller within a period

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of two weeks from today that he shall hand over the vacant possession of the demised premises to the respondent on or before 30.11.2015 and that he shall also pay the rent on or before 7th day of each calendar month. This would be further subject to payment of arrears of rent till date, to the respondent within a period of two weeks from today.

September 14, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**