

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

(110)

CR No.3723 of 2015

Decided on: July 27, 2015.

Harvinder Singh

.... Petitioner

Versus

Varinder Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jaideep Verma, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

This is tenant's revision petition against the ejectment order passed by the Courts below.

Learned counsel for the petitioner submits that the landlady respondent has not been able to establish that she bona fide requires the rented premises which is a residential house. He claims that she had purchased this house in the year 2005 and given it on rent on 01.06.2011. He claims that respondent had pleaded that she wanted the house for her family including two daughters and one son, who are students.

Counsel for the petitioner has vehemently urged that the mala fide of the respondent is apparent as she has rented out the premises in dispute in the year 2011 for income purposes as she had no other source of income and filing an ejectment application within a period of two years is indicative of the fact that she does bona fide requires the premises.

I have heard learned counsel for the petitioner and carefully gone through the orders passed by the Rent Controller as well as the Appellate Authority.

The case of landlady respondent from the very beginning is that the petitioner had assured her to vacate the premises after expiry of eleven months as he was constructing his own house.

Taking into consideration the said request, the premises in dispute had been rented out by the petitioner for a short duration. It is also pertinent to observe here that the petitioner had filed a suit for injunction in the year 2011 for restraining the landlady to forcibly oust him from the premises. There is concurrent finding regarding the respondent being in need of the premises for her use as well as for the use of her three children. The house which he has been occupying as a licensee has to be vacated.

In view of above said circumstances, no ground is made out for interference in the impugned order.

This petition is dismissed. However, in order to enable the petitioner to handover the vacant possession of the premises in dispute, a period of three months is granted subject to his furnishing an undertaking before the Rent Controller that he will hand over the vacant possession on expiry of three months and that he will pay the entire water and electricity bills and will not damage the building in any manner. The petitioner will pay mesne profit at the rate of Rs.6000/- per month. The amount calculated at the rate of Rs.6000/- per month for three months will be deposited within a period of two weeks besides the entire arrears of rent. In case of violation of the above said direction, it will be open to the respondent to seek eviction by executing the ejectment order prior to the expiry of three months.

(M.M.S. BEDI)
JUDGE

July 27, 2015

harsha