

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213

C.M. No. 23312-CII of 2015 and
Civil Revision No. 4242 of 2015 (O&M)

Date of Decision: 05.12.2015

Bal Mukand

.....PETITIONER

VERSUS

Raj Kumar and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

PRESENT: Dr. Rau P.S.Girwar, Advocate,
for the petitioner.

Mr. Tarunveer Vashisth, Advocate,
for the respondents.

AUGUSTINE GEORGE MASIH, J (ORAL)

C.M. No. 23312-CII of 2015

Prayer in this application is for correction of the date of the impugned judgment, which is wrongly mentioned as 11.08.2014 at prayer portion of grounds of revision, however, in head note, the correct date is clearly mentioned i.e. 23.04.2015.

For the reasons mentioned in the application, the same is allowed. The date of the impugned judgment/order passed by the Appellate Authority, Bathinda, in the prayer portion of grounds of revision be now read as 23.04.2015 instead of 11.08.2014.

Civil Revision No. 4242 of 2015

1. The case came up for hearing on 10.07.2015 when following order was passed:-

“ After hearing counsel for the petitioner, prima facie there does not appear to be any ground to interfere in the concurrent finding of fact arrived at by the Courts below that the landlord respondents who have purchased the property in the year 2000 bonafide require the premises in dispute.

Petitioner appears to have been in possession of this property w.e.f. year 1952. Counsel for the petitioner may seek instructions from the petitioner if the petitioner is ready to vacate the premises in case adequate time is granted to him.

For preliminary hearing, to come up on July 20, 2015.”

2. Then on 20.07.2015, this Court passed the following order:-

“ The petitioner is present in person. He seeks time to furnish undertaking to vacate the premises in dispute within a period of one year.

Before granting time to the tenant-petitioner, I deem it appropriate to issue notice to the landlord-respondent before recording the undertaking of the tenant-petitioner to hand over the vacant possession of the premises.

Notice of motion for 19.10.2015.

Status quo regarding possession be maintained till next date of hearing.”

3. Counsel for the petitioner, in the light of the above orders, submitted and stated that the petitioner would vacate the premises i.e. shop

and hand over the vacant possession of the same to the respondents on or before 31.07.2016.

4. In view of the above, this revision petition stands dismissed on merits. However, as per the statement made by the counsel for the petitioner, the petition is disposed of, in the following terms:

1. The petitioner shall continue to occupy the demised premises up to 31.07.2016.
2. The entire arrears of rent, if any, shall be deposited by the petitioner with the respondents-landlords/Rent Controller, Bathinda, within a period of 15 days from today, failing which, the respondents shall be at liberty to execute the order of eviction, forthwith.
3. The petitioner shall continue to deposit the future rent/mesne profits by 7th of every month with the respondents-landlords/Rent Controller, Bathinda. In the event of even a single default, the respondents-landlords shall be free to execute the order of eviction and obtain possession, forthwith.
4. The petitioner shall defray the electricity/ water charges for the period he would occupy the demised premises.
5. The petitioner shall vacate and hand over the actual and physical possession of the demised premises, free from all incumbrances, on or before the stipulated date i.e.31.07.2016 to the respondents-landlords, failing which respondents-landlords shall be free to execute the order of eviction.
6. The petitioner shall furnish an undertaking in the form of an affidavit in the above terms, with the Rent

Controller/Executing Court, within a period of 15 days from today, failing which, the respondents-landlords shall be at liberty to execute the order of eviction and obtain actual physical possession.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

December 05, 2015

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