

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
244

C.R.No.4480 of 2014

Date of Decision:21.07.2015

Radhey Sham

.....Petitioner

Versus

Amar Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN.

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest? Yes**

**Present: Mr.Rajbir Singh, Advocate,
for the petitioner.**

**Mr.Abhishek Singla, Advocate,
with respondents-tenant present in person.**

K.KANNAN, J.(oral)

The case was originally directed to be posted today and that is how the parties have also understood. However, it would appear that the case was entered in the docket order as it was adjourned to 15.10.2015. On the mentioning made by the counsel, it was brought today and the case is being taken-up for final hearing with the consent of both the counsel.

The tenant has no answer to a simple question whether he is relieved of the legal obligation to pay the provisional rent as assessed with interest and cost on the first date of hearing, which is to be treated as the date following the date when the order was

passed. The direction for payment fell due on 17.10.2012. The tenant did not pay and the case was adjourned to 31.10.2012. The Judge observed on the date that there are chances of compromise and adjourned the case to 22.11.2012.

Learned counsel for the landlord himself took the matter for adjournment for consideration of the settlement before the Lok Adalat. I therefore reckon that the landlord did not have any objection on that date for non-payment of rent and the case was adjourned on 17.01.2013, when the arrears of rent were paid, but the interest and cost were not paid. Therefore, the only issue for consideration is whether the default of payment of amount determined and not paid by the tenant inevitably results in summary ejectment.

Learned counsel for the tenant only states that the Court may allow such a benefit. I am afraid that I have no such discretion against the law. The order passed by the Court below expressing words of sympathy that substantial amount had been paid and therefore, eviction need not be passed, cannot be supported.

Learned counsel appearing on behalf of the tenant states that he will vacate the premises by 31.03.2016 and that he will not enter any further contest. The order of eviction is passed but should not be enforced and will be deferred till 31.03.2016. There shall be a further condition that the tenant will file a letter of undertaking before this Court within a period of one week that he will vacate the premises by 31.03.2016. The tenant will give an undertaking to pay whatever are the arrears of rent within four weeks and continue to

pay the monthly rent of Rs.1,000/- within first five days of every calendar month. The first payments of future rent shall be payable by 5th of August, 2015. If, there is any default in the payment of arrears of rent past or for the future rent within the time stipulated, the time granted for eviction upto 31.03.2016 shall stand withdrawn and the landlord will be at liberty to execute the order of eviction *eo instanti*.

The revision petition is disposed of accordingly.

July 21, 2015
seema

(K.KANNAN)
JUDGE