

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5733 of 2004

DATE OF DECISION : September 23, 2015

Shashi Bala Jain

..... PETITIONER(S)

VERSUS

S. Gopal Singh

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Amarjit Markan, Advocate, for the petitioner.
Mr. Arihant Jain, Advocate, for the respondent (with
Mr. Meharbaan Singh, son of the respondent).

ARUN PALLI, J. (Oral)

In an eviction petition preferred by the petitioner-landlord, ejectment of the respondent-tenant was ordered on account of personal necessity of the petitioner, vide judgment dated 13.09.2002. It was observed that if for a period of 7 years after obtaining possession, the petitioner does not use or occupy the premises, the tenant shall have a right to repossess the shop in question. However, in an appeal preferred by the respondent-tenant, the judgment rendered by the Rent Controller was since set aside and the eviction petition filed by the petitioner was dismissed. This is how, the petitioner-landlord is before this court.

During the course of hearing, a consensus is reached

between the learned counsel for the parties, on instructions from

their respective clients, that let a period of 2 years from today be granted to the respondent-tenant to vacate the premises and for this period he would continue to pay the agreed rent at the rate of ₹70/- per month. However, the petitioner shall neither sell nor re-let the premises for a period of 5 years from the date the respondent restores the possession to the petitioner. And, in the event of a breach of this condition, the respondent-tenant shall have a right to seek restoration of possession of the premises and the eviction petition would be deemed to have been dismissed.

That being so, the petition is disposed of in the following terms:-

- 1) respondent-tenant shall continue to occupy the demised premises for a period of 2 years from today i.e. up to 22.09.2017;
- 2) the respondent shall deposit entire arrears of rent, if any, at the rate of ₹70/- per month and the House Tax, within a period of one month from today, with the landlord;
- 3) respondent shall continue to deposit future rent i.e. ₹70/- per month, with the landlord by 7th of every month;
- 4) respondent shall defray the water/electricity charges for the period he will occupy the shop in question;
- 5) respondent shall hand over the actual physical and vacant possession, free from all encumbrances, to

the landlord on or before the stipulated date i.e. 22.09.2017, failing which petitioner shall be entitled to obtain the actual physical possession of the premises forthwith through the executing court;

- 6)petitioner shall not sell or re-let the demised premises for a period of 5 years from 20.09.2017 i.e. the date the respondent tenant shall hand over possession of the premises to the petitioner. In the event of any breach of this condition, the respondent shall be free to repossess the premises by moving an appropriate application before the executing court on the basis of this order; and
- 7)both the parties shall furnish an undertaking in the form of an affidavit, in the above terms, with the executing court within a period of 2 weeks from today.

SEPTEMBER 23, 2015
Kang

(ARUN PALLI)
JUDGE