

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6239 of 2007(O&M)
Date of decision: 21.10.2015

Bhola Nath

... Petitioner

Versus

Ashok Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Gurcharan Dass, Advocate for the petitioner.
Mr. Manoj Kumar, Advocate
for applicant/respondents No.1 to 3.

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?

ARUN PALLI J. (Oral)

Respondent-landlord has moved an application for assessment of mesne profits.

Ejectment of the petitioner was ordered from the demised premises, vide order dated 14.10.2004, rendered by the Rent Controller, Ropar. As even the appeal preferred against the said order failed and was dismissed vide judgment dated 31.08.2007, petitioner-tenant is before this court vide this revision petition. It is pursuant to an interim order dated 04.12.2007, passed by this court, vide which dispossession of the petitioner was stayed, he continues to be in occupation of the shop in question.

During the course of hearing, learned counsel for the parties have reached a consensus, on instructions from their respective clients, that let the petitioner be only afforded a year's time to vacate the premises. And, during this period, he shall continue to pay the agreed rent i.e. ₹ 200/- per month. That being so, the main case is taken on board and the revision petition is disposed of in the following terms:

i) petitioner-tenant shall continue to occupy the demised premises for a period of one year from today i.e. upto 20.10.2016;

ii) the entire arrears of rent, if any, shall be paid by the petitioner-tenant to the respondent-landlord within four weeks from today, failing which respondent-landlord shall be free to execute the order of eviction;

iii) petitioner shall continue to pay the future rent/mesne profits at the agreed rent i.e. ₹ 200/- per month by 7th of every month to the respondent-landlord. In the event of even a single default, respondent-landlord shall be at liberty to execute the order of eviction forthwith;

iv) petitioner shall defray all the water/electricity charges for the period he would occupy the demised premises;

v) petitioner shall vacate the demised premises and hand-over its actual physical and vacant possession, free from all encumbrances to the respondent-landlord, on or before the stipulated date i.e. 20.10.2016, failing which

respondent-landlord shall be free to execute the order of eviction and obtain possession; and

vi) petitioner shall furnish an undertaking in the above terms, by way of an affidavit, within two weeks from today, before the executing court, failing which again respondent-landlord shall be at liberty to execute the order of eviction.

October 21, 2015
Rajan

(Arun Palli)
Judge