IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.5813 of 2015(O&M)
Date of decision: 16.09.2015

Naresh Enterprises and another

... Petitioners

Versus

Radhey Sham

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Anuj Raura, Advocate for the petitioners.
Mr. Aman Bahri, Advocate for the respondent.

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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?

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ARUN PALLI J. (Oral)

On September 9, 2015, this court had passed the following order:

> "Having argued the matter at some length, learned counsel for the petitioners fairly submits that the petitioner be only afforded nine months' time to vacate the demised premises, as he does not wish to press the petition on merits.
>
> Notice of motion for 16.09.2015.
>
> Process dasti as well, with a liberty to serve the respondent through his counsel before the executing court/appellate authority.
>
> Status quo, as it exists today, shall be maintained till the adjourned date of hearing.
>
> To be shown in the urgent list."

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Mr. Aman Bahri, Advocate has caused appearance on behalf of the respondent and submits that he does not oppose the prayer that has been advanced by learned counsel for the petitioner and let nine months' time be granted to the petitioners-tenants to hand-over the vacant possession of the demised premises to the respondent-landlord.

Further, learned counsel for the parties submit that as another petition i.e. CR No.6867 of 2013, regarding assessment of mesne profits by the appellate authority, inter se the parties, qua the demised premises, is listed for 09.10.2015, the same be also disposed of along with this petition to avert any complication. Accordingly, the record of the said revision has also been requisitioned.

And, the petition is disposed of in the following terms:

i) petitioners-tenants shall continue to occupy the demised premises for a period of nine months from today i.e. upto 15.06.2016;

ii) the entire arrears of rent, if any, shall be paid by the petitioners-tenants to the respondent-landlord within two weeks from today, failing which respondent-landlord shall be at liberty to execute the order of eviction forthwith;

iii) petitioners shall continue to pay the future rent/mesne profits by 7th of every month to the respondent-landlord. In the event of even a single default, respondent-

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landlord shall be at liberty to execute the order of eviction forthwith;

iv) petitioners shall defray all the electricity and water charges for the period they would occupy the demised premises;

v) petitioners 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. 15.06.2016, failing which respondent-landlord shall be free to execute the order of eviction and obtain possession; and

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

(Arun Palli)
Judge

September 16, 2015
Rajan

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