

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6419 of 2015(O&M)
Date of decision: 03.11.2015

Raj Kumar Sahani

... Petitioner

Versus

Sumitra Parihar

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Johan Kumar, Advocate for the petitioner.
Mr. Gobind Korla, Advocate for the respondent.

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)

Vide order dated 28.05.2014, Rent Controller, Faridabad, had assessed the provisional rent and the matter was posted for 31.05.2014, to enable the petitioner-tenant to tender the assessed rent i.e. ₹ 82,000/-. Concededly, a cheque bearing No.000043, for a sum of ₹ 82,000/-, was tendered by the petitioner on the adjourned date and the matter was posted for 09.07.2014. However, the cheque tendered by the petitioner was dishonoured. As a result, his eviction was ordered vide order dated 09.07.2014. Appeal preferred against the order of assessment of provisional rent as also the order of eviction, dated 09.07.2014, failed and was dismissed vide

judgment dated 25.08.2015. That is how, petitioner-tenant is before this court in this revision petition.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let the petitioner be afforded three months' time from today to vacate the premises. And he shall pay only a sum of ₹ 1,00,000/- in full and final settlement of the entire arrears of rent. Further, since the petitioner was convicted, pursuant to a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act'), filed by the respondent-landlord, Criminal Revision No.3698 of 2015 preferred against the said judgment is pending before this court. And, a draft for the cheque amount of ₹ 33,000/- had since been deposited by the petitioner, in the name of Registrar of this court, in the said proceedings. Respondent shall be free to get the said draft released in his favour. Consequently, necessary statements shall be made by the parties before the revisional court to settle the matter and have the conviction of the petitioner-tenant set aside. Likewise, respondent-landlord shall also withdraw another complaint, under Section 138 of the Act, pending consideration before JMIC, Faridabad.

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

i) Petitioner-tenant shall continue to occupy the demised premises for a period of three months from today i.e. upto 02.02.2016;

ii) Petitioner-tenant shall deposit a sum of ₹ 1,00,000/- with the respondent-landlord, within a period of two weeks from today by way of draft, failing which respondent-landlord shall be free to execute the order of eviction forthwith and obtain actual physical possession;

iii) However, on deposit of ₹ 1,00,000/- by the petitioner-tenant, all claims as regards the entire arrears of rent shall be deemed to have been settled and satisfied;

iv) Petitioner-tenant shall pay future rent @ 11,000/- per month for a period of three months he shall occupy the demised premises. And in the event of even a single default, respondent-landlord shall be free to execute the order of eviction;

v) Petitioner-tenant shall defray all the water/ electricity charges for the period he shall remain in occupation of the premises;

vi) Petitioner-tenant 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. 02.02.2016, failing which respondent-landlord shall be free to execute the order of eviction and obtain possession;

vii) On the expiry of the aforesaid three months period and after the petitioner vacates the demised premises, parties to the lis shall file necessary affidavits and make the required statements before the revisional court, that is ceased of the criminal Revision No.3698 of 2015, to settle the dispute and to have the order of conviction of the petitioner set aside;

viii) A draft of ₹ 33,000/- covering the cheque amount, furnished in the name of the Registrar of this court in those proceedings, shall be released in favour of the respondent-landlord and appropriate orders in this regard shall be obtained from the revisional court;

ix) Parties shall also appear before the JMIC, Faridabad, which is ceased of the complaint No.13849 of 2014, under Section 138 of the Act, against the petitioner, and shall withdraw the said proceedings; and

x) Both the parties shall furnish an undertaking in the above terms, by way of an affidavit, before the executing court as also this court, within two weeks from today.

November 3, 2015
Rajan

(Arun Palli)
Judge