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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.1959 of 2016 (O&M)
Date of Decision : 16.03.2016**

Anil Kumar

..... Petitioner

Versus

Smt. Meena Sabharwal and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.V.K. Jain, Senior Advocate with
Mr. Ravi Kadian, Advocate for the petitioner.

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?

AJAY TEWARI, J. (Oral)

This petition has been filed against the concurrent judgments of the Courts below allowing ejectment of the petitioner from the demised premises.

At the very outset, learned counsel for the petitioner has stated that the petitioner-tenant has been in occupation of the shop in question for the last three decades and he would not press this petition on merits provided some reasonable time is granted to him to re-locate his business. He has prayed that he may be granted two years time for the same.

Notice of motion.

Mr. Satyavir, Advocate has entered appearance on behalf of the respondent-landlord.

Learned counsel for the respondents, on the other hand, has also very fairly stated that he has instructions not to oppose grant of reasonable time but period of two years is too excessive since the premises have been ordered to be vacated on the ground

of personal necessity. Moreover, the contractual rent which the petitioner was paying was ₹600/- per month but the Court assessed the mesne profits @ Rs.02 lacs per month from the date of eviction order till the date of vacation of demised premises.

Ultimately what has been settled is that the petitioner shall be permitted to retain the premises till 31.03.2017 and for the period from today onwards he would pay damages for use and occupation @ ₹12,000/- per month. He would further have to file an undertaking before the Executing Court to the effect that he would vacate the premises voluntarily on or before 31.03.2017 without forcing the respondents to press execution and he would also pay the other applicable charges regularly. Further that he will pay the arrears of contractual rent and will pay the agreed damages on or before 7th of every month in advance.

Let the petitioner files an undertaking with regard to the aforesaid conditions in the Executing Court within 15 days from today.

In the circumstances, the revision petition is disposed of in the above terms. However, it is further clarified that in the event of any default, this petition would be deemed to be dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 16, 2016

jt

**(AJAY TEWARI)
JUDGE**