

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Revision No. 3076 of 2016 (O&M)

Date of decision: September 01, 2016

Dr. Harish Chand Chopra

...Petitioner

Versus

Krishan Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Anuj Balian, Advocate,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 28.07.2016, the following order was passed:-

“ Learned counsel appearing on behalf of the petitioner-tenant submits that eviction of the petitioner from the shop bearing no. 225 was sought on the ground that ground floor of shop no. 224 is in occupation of the petitioner-tenant and he wants to open business of readymade garments for his sons, who are already doing grocery business in shop nos. 29 and 30 after removing the centre wall of shop nos. 224 and 225. Though there are other shops also located at the back side but do not have business potential. The ejectment petition against the tenants occupying the ground floor of shop no. 221 and first floor of shop no. 225 was also sought but the matter has been

compromised and the landlord has been given permission to vacate the premises by 31.12.2017.

Notice of motion for 01.09.2016 to this limited extent only for granting time up to 31.12.2017.

Interim order to continue.”

Counsel for the respondent has put in appearance and states that he has no objection to the prayer made by the counsel for the petitioner.

In view of the above, the present petition is disposed of with following conditions:-

1. The petitioner shall continue to occupy the demised premises for a period of sixteen months from today i.e. up to 31.12.2017
2. The entire arrears of rent/mesne profits, if any, shall be deposited by the petitioner with the Rent Controller, Naraingarh, within a period of 15 days' from today, failing which, the respondent shall be at liberty to execute the order of eviction, forthwith.
3. The petitioner shall continue to deposit the future rent/*mesne profits* by 7th of every month with the Rent Controller, Naraingarh. In the event of even a single default, the respondent-landlord shall be free to execute the order of eviction and obtain possession, forthwith.
4. The petitioner shall defray the electricity/water charges for the period he would occupy the demised premises.
5. The petitioner shall vacate and hand over the actual and physical possession of the demised premises, free

from all incumbrances, on or before the stipulated date i.e. 31.12.2017 to the respondent-landlord, failing which respondent-landlord shall be free to execute the order of eviction.

6. The petitioner shall furnish an undertaking in the form of an affidavit in the above terms, with the Rent Controller/Executing Court, Naraingarh within a period of 15 days' from today, failing which, the respondent-landlord shall be at liberty to execute the order of eviction and obtain actual physical possession.

7. In case of violation of any of the undertaking(s), the petitioner shall render himself liable to be proceeded against for contempt.

C.M. No. 12610-CII of 2016

In view of the disposal of the main petition, this application for grant of an early and actual date of hearing has been rendered infructuous and the same is disposed of as such.

C.M. No. 3076-CII of 2016

In view of the disposal of the main petition, no separate orders are required to be passed in this application for stay and, therefore, the same stands dismissed.

September 01, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**