

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 3619 of 2016 (O&M)

Date of Decision : 02.06.2016

Sunil Kumar and another

..... Petitioners

Versus

Sant Lal (deceased) through his LRs and ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Santosh Sharma, Advocate
for the petitioners.

Mr. Sanjiv Gupta, Advocate
for the respondents.

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 revision has been filed against the concurrent orders of the Courts below ordering eviction of the petitioner from the shop in dispute. On 24.05.2016 the following order was passed:-

“ This petition has been filed against the order of the Courts below ejecting the petitioner from a shop in his possession on the ground that Deepak, son of one of the owners, requires the same to start his business of computers therein. On the other hand there has come some evidence which may indicate that the respondents have another shop in the premises B-9, 1028, Vishnu Nagar, Railway Workshop, Yamuna Nagar, Tehsil Jagadhri, District Yamuna Nagar. Learned counsel for the petitioner asserts that they are also running a shop in this premises while learned counsel for the respondents asserts that that is a purely residential property and there is no shop over there. Since there is some evidence to this effect but the same is not conclusive, learned counsel have agreed that a local commissioner be appointed to visit the spot and give his report. In the circumstances, Mr. Amit Babbar, Advocate, who is

present in Court, is appointed as local commissioner at the cost of the petitioner to report about this fact. Learned local commissioner has stated that he would be able to go to Yamuna Naagar on 28.05.2016 and will reach there at 11.00 a.m. at the address given above i.e. B-9, 1028, Vishnu Nagar, Railway Workshop, Yamuna nagar, Tehsil Jagadhri. He is directed to submit his report on 02.06.2016. The fees of the local commissioner is fixed at Rs. 30,000/- which shall be paid to him in advance. This will include his expenses. Parties through counsel are notified that they would be at liberty to reach the place at the time and the date indicated above to assist the local commissioner.

Adjourned to 02.06.2016.

The Executing Court is directed to adjourn the case to a date beyond the date fixed by this Court.

A copy of this order be handed over dasti to the learned local commissioner under the signatures of the Court Secretary.”

Today report of the local commissioner has been received and the same is taken on record. As per the same there is no shop in the premises B-9, 1028, Vishnu Nagar, Railway Workshop, Yamuna Nagar, Tehsil Jagadhri, District Yamuna Nagar but only a shutter has been placed over a room which is otherwise used as a sitting room. Photographs have been placed on the record which make it clear that the area is a residential area without a single shop being visible. No body has raised any objection to the correctness of this report.

In this view of the matter learned counsel for the petitioners, on instructions from his client, has fairly stated that he would not press this petition on merits and that the petitioners would vacate the premises in dispute in case some reasonable time is granted to them. Learned counsel for the respondents has accepted this offer.

Ultimately what has been settled between the parties is that the petitioners will pay the entire arrears of rent up-to-date to the respondents within a period of one month from today and the respondents will permit

them to retain the premises in dispute till 31.05.2017. Further the petitioners will continue to pay rent in advance by the 7th of every month and also the other charges regularly. Further it has been agreed that the petitioners will file an undertaking before the Rent Controller/Executing Court up to 15.07.2016 that they would vacate the premises in dispute voluntarily on or before 31.05.2017 without forcing the landlords to press the execution application and shall continue to pay the rent in advance by the 7th of every month and other charges regularly. Ordered accordingly.

At the request of learned counsel for the respondent-landlords, it is stipulated that in default of any of the above conditions this petition would be deemed to be dismissed.

Petition stands disposed of

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

(AJAY TEWARI)
JUDGE

June 02, 2016
sunita