

CR No. 3443 of 2014 (O&M)

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

CR No. 3443 of 2014 (O&M)

Date of Decision: April 25, 2016

State of Punjab & others

...Petitioners

Versus

Smt. Kamlesh Ohri & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashwani Talwar, Addl. A.G., Punjab
for the petitioners.

Mr. Vikasdeep Singh, Advocate and
Mr. Gurpeet Singh, Advocate
for the respondents.

AUGUSTINE GEORGE MASIH, J. (Oral):

On 27.05.2015, counsel for the petitioner had made a statement in the Court that he will not press the case on merits and the State is only negotiating with the respondents for fresh terms or at best to secure an extended period of time for eviction by six months. It is on the basis of this statement, notice of motion was issued only for consideration whether there is any settlement between the parties or consideration of the time for eviction.

Today, counsel for the petitioners states that the petitioners may be granted six months' more time to vacate the demised premises and would hand over the vacant possession of the

same to the respondents thereafter.

This plea of the counsel for the petitioners cannot be accepted in the light of his earlier statement as recorded in the order dated 27.05.2015. Going by the said statement, the demised premises should have been vacated by the petitioners latest by 27.11.2015 but that was not done, rather now further six months' time is sought for handing over the vacant possession to the respondent-landlords which is rejected.

However, three months' time is granted to the petitioners to hand-over vacant possession of the demises premises to the respondents subject to the following terms:

1. The petitioners shall continue to occupy the demised premises up to 31.07.2016.
2. The entire arrears of rent/*mesne profits*, if any, shall be deposited by the petitioners with the Rent Controller, Chandigarh, within a period of 15 days from today, failing which, the respondents shall be at liberty to execute the order of eviction, forthwith.
3. The petitioners shall continue to deposit the future rent/*mesne profits*, at the rate of ₹1.75 lacs per month by 7th day of every month with the Rent Controller, Chandigarh. In the event of even a single default, the respondent-landlords shall be free to

execute the order of eviction and obtain possession, forthwith.

4. The petitioners shall defray the electricity/ water charges for the period they would occupy the demised premises.

5. The petitioners 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. 31.07.2016 to the respondent-landlords, failing which respondent-landlords shall be free to execute the order of eviction.

6. The petitioners shall furnish an undertaking in the form of an affidavit in the above terms, with the Rent Controller/Executing Court, within a period of 15 days from today, failing which, the respondent-landlords shall be at liberty to execute the order of eviction and obtain actual physical possession forthwith. The petitioners shall also render himself liable to be proceeded against for initiation of contempt proceedings.

The Revision Petition stands disposed of accordingly.

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In view of the dismissal of the main petition, no separate orders are required to be passed in this application for stay as the same has been rendered infructuous.

Disposed of as such.

April 25, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE