

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

C.R. No.421 of 2016 (O&M)

Date of Decision : 31.03.2016

Nihal Chand

..... Petitioner

Versus

Vivek Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Surinder Garg, Advocate
for the petitioner.

Mr. K.B. Raheja, 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?

AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent orders of the Courts below allowing ejectment of the petitioner-tenant from the demised premises.

On 21.03.2016 the following order was passed:-

“After arguing for some time, learned counsel states that he does not wish to press this revision on merits but since the petitioner is running a business in the premises in dispute for the last 30/40 years he is ready to vacate the said premises voluntarily without forcing the respondent to press the execution in case reasonable time is granted for the same.

I find this to be a fair submission.

Notice of motion.

Let the respondent be served through his counsel in the Executing Court by way of dasti process.

Adjourned to 31.03.2016.

In the meantime, the dispossession of the petitioner shall remain stayed.

To be shown in the urgent list.”

Today learned counsel for the petitioner states that he has instructions to vacate the demised premises within a period of 1 year.

Learned counsel appearing for the respondent-landlord states that in principle he has instructions to accept reasonable time but the period of 1 year is too excessive since the landlord requires the premises for his own use and has stated that the petitioner should vacate the premises within 5 months.

Ultimately what has been settled between the parties is that the petitioner will pay the entire arrears of rent upto date, if any, within 15 days and the respondent-landlord will permit him to retain the premises in dispute till 31.12.2016. Further the petitioner will continue to pay contractual rent in advance by the 7th of every month and will also pay the other charges regularly. Further it has been agreed that the petitioner will file an undertaking before the trial Court/Executing Court within 15 days that he would vacate the premises in dispute voluntarily on or before 31.12.2016 without forcing the landlord to press the execution application and continue to pay the contractual rent in advance by the 7th of every month and will also pay other charges regularly and that he will pay the entire arrears of rent, if any, within 15 days.

At the request of learned senior counsel for the respondent-landlord, 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.

March 31, 2016

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**(AJAY TEWARI)
JUDGE**