

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

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Civil Revision No.4498 of 2015 (O&M)
Date of Decision: February 29, 2016

Girdhari Lal (since deceased) through LR

...Petitioner

Versus

Ritesh Mahajan and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anil Chawla, Advocate
for the applicant-petitioner.

Mr. A.P.S. Sandhu, Advocate
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.13844-CII of 2015

Prayer in this application is for impleading the legal heir/representative of petitioner-Girdhari Lal, who is stated to have died on 13.09.2012. The present application is supported by the affidavit of Raj Kumar son of late Shri Girdhari Lal. The details of the legal representative are mentioned in para 2 of the application.

In view of the above, the present application is allowed subject to just exceptions for the purpose of present case only.

Legal representative of petitioner-Girdhari Lal as detailed in para 2 of the application, is impleaded as petitioner to the present revision petition.

CR No.4498 of 2015

Counsel for the petitioner, after arguing for some time, in the light of the order dated 04.08.2015 passed by this Court, submitted that the petitioner may be granted time to vacate the demised premises and hand over the vacant possession of the same to the respondents on or before

28.02.2017.

On 04.08.2015, following order was passed by this Court:-

“After hearing the counsel for the petitioner, it is transpired that this petition is not likely to succeed on merits. The counsel for the petitioner requests for time to vacate the demised premises in order to enable the petitioner herein (tenant) to find out some suitable alternative accommodation.

Notice of motion for the above-said limited purpose only, returnable by 04.09.2015.

In the meantime, dispossession of the petitioner from the demised premises shall remain stayed subject to payment of all the arrears of rent/mesne profits, if any within 15 days from today”.

In view of and in the light of the above, the counsel for the petitioner states that the demised premises shall be vacated by the petitioner and vacant possession handed over to the respondents-landlords on or before 28.02.2017, which has also been accepted by the counsel for the respondents subject to certain riders which have been accepted by the petitioner's counsel. In view of this, the present petition stands disposed of in the following terms:-

1. The petitioner shall continue to occupy the demised premises upto 28.02.2017.
2. The entire arrears of rent/mesne profits, if any, shall be deposited by the petitioner with the Rent Controller, Amritsar, on or before 14.03.2016, failing which, the respondents shall be at liberty to execute the order of eviction, forthwith.
3. The petitioner shall continue to deposit the future rent/mesne profits on or before 7th day of every month with the Rent Controller, Amritsar. In the event of even a

single default, the respondents-landlords 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. 28.02.2017 to the respondents-landlords, failing which the respondents-landlords 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, Amritsar, on or before 28.02.2017, failing which, the respondents-landlords shall be at liberty to execute the order of eviction and obtain actual physical possession forthwith.

In the light of the dismissal of the petition, all the pending applications, stand disposed of.

February 29, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE