

**Civil Revision No.5428 of 2016 (O&M)
Date of Decision: August 29, 2016**

Om Parkash

.....Petitioner

Versus

Phoolwati

....Respondent

CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. V.M. Handa, Advocate for
Mr. Rahul Vats, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.16759-CII of 2016

Application is allowed as prayed for subject to all just exceptions and exemption and permission to produce on record the copy of the impugned order of the Id. Rent Controller, Karnal (Haryana) is granted.

Civil Revision No.5428 of 2016

Learned counsel for the petitioner, after arguing the case for some time, when this Court was not inclined to accept the same on merits, stated that the petitioner-tenant is still in possession of the demised premises and prayed that he may be granted four months' time to vacate the same and to hand over the vacant possession to the respondent-landlord on or before 31.12.2016.

In view of the above, this revision petition stands dismissed on merits. However, as per the statement made by counsel for the petitioner,

without issuing any formal notice to the respondent and to avert any further delay and the expenses which the respondent-landlord shall have to incur to defend these proceedings, the petition is disposed of in the following terms which have been accepted by the counsel:-

1. The petitioner shall continue to occupy the demised premises upto 31.12.2016 if he is in possession thereof today.
2. The entire arrears of rent/mesne profits, if any, shall be deposited by the petitioner with the Rent Controller, Karnal, within a period of fifteen 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, Karnal. 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. 31.12.2016 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, Karnal, within a period of fifteen 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.

Since the main appeal stands disposed of, *CM No.16760-CII of 2016* also stands disposed as infructuous.

August 29, 2016
ps-I

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No