

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

112

Civil Revision No.5707 of 2016 (O&M)

Date of Decision: September 20, 2016

Amar Nath

.....Petitioner

Versus

Sanatan Kumar

....Respondent

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

Present: Mr. S.K. Choudhary, Advocate
for the applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.19035-CII of 2016

Prayer in this application is for permission to place on record

Annexures P-5 to P-11.

Application is allowed.

Annexures P-5 to P-11 are taken on record subject to just
exceptions.

CM No.17514-CII of 2016

Prayer in this application is for condonation of delay of 72 days
in filing the petition.

For the reasons mentioned in the application which is duly
supported by the affidavit of the applicant-petitioner, the present application
is allowed.

Delay of 72 days in filing the petition stands condoned.

CM No.17515-CII of 2016

Prayer in this application is for condonation of delay of 51 days
in re-filing the petition.

The reason assigned for the delay is that after the filing of the petition, Registry had raised certain objections and the paper book was returned but the same was kept in some other brief. Case was traced out and then re-filed after removal of the objections, which resulted in delay of 51 days in re-filing the petition. The application is supported by the affidavit of the Clerk of the counsel.

For the reasons mentioned in the application, the same is allowed.

Delay of 51 days in re-filing the petition stands condoned.

COCP No.5707 of 2016

Counsel for the petitioner, after arguing the case for some time, when this Court was not accepting 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 16.01.2017.

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 16.01.2017, provided he is in possession today.

2. The entire arrears of rent/mesne profits, if any, shall be deposited by the petitioner with the Rent Controller, Pathankot, on or before 05.10.2016, 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, Pathankot. 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. 16.01.2017 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, Pathankot, on or before 05.10.2016, 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.

In view of the disposal of the revision petition, the application for stay i.e. CM No.17516-CII of 2016, stands disposed of as infructuous.

September 20, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No