

CR No. 6202 of 2016 (O&M)

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

CR No.6202 of 2016 (O&M)

Date of Decision: November 23, 2016

Shiv Kumar Ghai

...Petitioner

Versus

Rama

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (Oral):

Learned counsel for the petitioner has argued the case at length but when this Court was not inclined to interfere in the matter on merits, he submitted that the petitioner who is in possession of the demised premises, may be granted time till 31.05.2017 to vacate the premises in question and he would hand over the vacant possession of the same to the respondent on or before 31.05.2017.

In view of the above, this revision petition stands dismissed on merits. However, as per the statement made by the counsel for the petitioner and without issuing any formal notice to the respondent 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

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accepted by the counsel for the petitioner:

1. The petitioner shall continue to occupy the demised premises up to 31.05.2017, if he is in possession thereof.
2. The entire arrears of enhanced rent/*mesne profits*, if any, shall be deposited by the petitioner with the Rent Controller, Phagwara, within a period of 15 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 enhanced rent by 7th day of every month with the Rent Controller, Phagwara. 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. 31.05.2017 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, within a period of 15 days from today, failing which, the respondent-landlord shall be at liberty to execute the order of

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eviction and obtain actual physical possession forthwith.

7. In case of violation of any of the undertaking(s), the petitioner shall render himself liable to be proceeded against for contempt.

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In view of the order passed in the the main revision petition, no separate order is required to be passed in this application for staying the operation of impugned orders as the same has been rendered infructuous.

Disposed of as such.

Copy of the order be given *dasti* to the counsel for the petitioner under the signatures of Bench Secretary of this Court.

November 23, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No