

CM No.12050-CII of 2015 in/and
CR No. 6276 of 2014 (O&M)

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

CM No.12050-CII of 2015 in/and
CR No. 6276 of 2014 (O&M)
Date of Decision: February 25, 2016

Om Parkash

...Petitioner

Versus

Surinder Aggarwal & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amarjit Markan, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

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 may be granted one year's time to vacate the premises i.e. shop and would hand over the vacant possession of the same to the respondents on or before 28.02.2017.

In view of the above, this revision petition stands dismissed on merits. However, as per the statement made by the counsel for the petitioner, without issuing any formal notice to the respondent and to avert any further delay and the expenses which the respondent-landlords shall have to incur to defend these proceedings, the petition is disposed of, in the following terms:

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1. The petitioner shall continue to occupy the demised premises for a period of one year from today i.e. up to 28.02.2017.
2. The entire arrears of rent, if any, shall be deposited by the petitioner with the Rent Controller, Malerkotla, within a period of 15 days from today, 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 by 7th day of every month with the Rent Controller, Malerkotla. In the event of even a single default, the respondent-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 respondent-landlords, failing which respondent-landlords shall be free to execute the order of

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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 two weeks from today, failing which, the respondent-landlords shall be at liberty to execute the order of eviction and obtain actual physical possession forthwith. The petitioner shall also render himself liable to be proceeded against for initiation of contempt proceedings.

This order will operate if the warrants of possession issued by the Executing Court have not been executed till today.

CM No.21023-CII of 2014

In view of the dismissal of the main petition, no separate orders are required to be passed in this application as the same has been rendered infructuous.

Disposed of as such.

February 25, 2016

Harish

(AUGUSTINE GEORGE MASIH)
JUDGE