

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.M. Nos. 21885-86-CII of 2016 &
Civil Revision No. 7161 of 2016 (O&M)

Date of decision: November 28, 2016

Rajesh Kumar alias Bobby

...Petitioner

Versus

Sudharma Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gurcharan Dass, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No. 21885-CII of 2016

C.M. is allowed subject to just exceptions. Documents
(Annexures P-1 and P-2) are taken on record.

Civil Revision No. 7161 of 2016

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 demises premises, may be granted eight months' time and he would vacate the premises i.e. shop and hand over the vacant possession of the same to the respondent on or before 31.07.2017.

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, to avert any

further delay and the expenses that he shall have to incur to defend these

proceedings, the petition is disposed of, in the following terms:-

1. The petitioner shall continue to occupy the demised premises for a period of eight months from today i.e. up to 31.07.2017 provided he is in possession of the demised premises today.
2. The entire arrears of rent, if any, shall be deposited by the petitioner with the Rent Controller, Ludhiana either in cash or through draft within a period of two weeks 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* either in cash or through draft by 7th of every month with the Rent Controller, Ludhiana. 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. 31.07.2017 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, Ludhiana, within a period of two weeks 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.

C.M. No. 21886-CII of 2016

In view of the dismissal of the main petition, no separate orders are required to be passed in this application for stay and, therefore, the same stands dismissed.

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

November 28, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**