

CR No. 8591 of 2016 (O&M)

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

CR No.8591 of 2016 (O&M)

Date of Decision: December 20, 2016

Jamuna Devi & another

...Petitioners

Versus

Sudesh Gupta

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Aashish Chopra, Advocate
for the petitioners.

AUGUSTINE GEORGE MASI, J. (Oral):

CM No.26110-CII of 2016

Exemption is granted from filing typed copies of
Annexures P-1 to P-5, subject to all just exceptions.

Application stands disposed of.

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Learned counsel for the petitioners has argued the case
at length but when this Court was not inclined to interfere in the
matter on merits, he, on instructions from the petitioners, submitted
that the petitioners may be granted time till 31.07.2017 to vacate the
premises in question and they would 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

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dismissed on merits. However, as per the statement made by the counsel for the petitioners 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 accepted by the counsel for the petitioners:

1. The petitioners shall continue to occupy the demised premises up to 31.07.2017, if they are in possession thereof.
2. The entire arrears of rent/*mesne profits*, if any, shall be deposited by the petitioners with the Rent Controller, Ambala, 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 petitioners shall continue to deposit the future rent/*mesne profits* by 7th day of every month with the Rent Controller, Ambala. 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 petitioners shall defray the electricity/ water charges for the period he would occupy the demised premises.
5. The petitioners 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

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eviction.

6. The petitioners 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 eviction and obtain actual physical possession forthwith.

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

8. This is without any prejudice to the claim of the petitioners under Section 13 (6) of the Haryana Urban (Control of Rent and Eviction) Act, 1973.

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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 petitioners under the signatures of Bench Secretary of this Court.

December 20, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No