

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

118

CM No.19803-CII of 2016 in/and
Civil Revision No.8841 of 2015 (O&M)

Date of Decision: October 20, 2016

Kartar Singh

...Petitioner

Versus

Sudesh Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Kunal Siag, Advocate
for the applicant-petitioner.

Mr. Vikas Chatrath, Advocate
for the respondent.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM No.19803-CII of 2016

No ground for staying the execution proceedings is made out.

The application stands dismissed.

CR No.8841 of 2015

With the consent of the counsel for the parties, the hearing of the main revision petition is preponed from 16.12.2016 to today and the same is taken on board.

Counsel for the petitioner, after arguing the case at length when found that this Court was not inclined to accept the same on merits, on instructions from the petitioner-tenant, prayed that two months' time may be granted to the petitioner-tenant to vacate the demised premises, which is still in his possession and hand over the vacant possession of the same to the respondent-landlord on or before 31.12.2016.

Counsel for the respondent accepted the said proposal subject

to certain riders which have been accepted by the counsel for the petitioner.

In view of the above, this revision petition stands dismissed on merits subject to following terms and conditions:-

1. The petitioners shall continue to occupy the demised premises upto 31.12.2016, 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, Abohar, on or before 04.11.2016, 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, Abohar. 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. 31.12.2016 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, Abohar, on or before 04.11.2016, 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 the light of the disposal of the petition, CM No.27445-CII of 2015 stands disposed of as infructuous.

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

October 20, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No