

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 920 of 2017**

(Arising out of order dated 17.11.2017 in Appeal No. 48A/2017 of the learned C.G.
Rent Control Tribunal, Raipur)

- Suresh Kumar Ramnani S/o Shri Tarachand Ramnani, Aged About 32 Years R/o Tiwari Complex, Gurunanak Chowk, Torva, Tahsil And District Bilaspur Chhattisgarh

---- **Petitioner**

Versus

- R. N. Tiwari S/o Late J. P. Tiwari, Aged About 80 Years (Senior Citizen), R/o Main Road Gurunanak Chowk, Torva, Tahsil And District – Bilaspur, Chhattisgarh

---- **Respondent**

For Petitioner : Mr. Saurabh Dangi, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Order On Board

Per Thottathil B. Radhakrishnan, Chief Justice

12.12.2017

1. We have heard the learned Counsel for the petitioner quite *in extensio*.
2. This petition under Article 227 of the Constitution of India has been filed challenging the decision of the Rent Control Tribunal ordering eviction of the tenant, reversing the dismissal of an application for eviction under the Chhattisgarh Rent Control Act, 2011 (hereinafter referred to as 'the Act'). The Rent Controller dismissed the application for eviction holding that rent is not in arrears. This has been affirmed by the Tribunal. However, the Tribunal held that the landlord has established service of due notice in terms of paragraph 11(h) of the Schedule 2 of the Act. Since the statutory

gestation period of such notice has gone through, the Tribunal cannot be found fault with for having passed the order of eviction.

3. In the aforesaid fact situation, the learned counsel for the petitioner submitted that his client may be given some more time over and above what has been granted by Tribunal, to vacate the premises. He says that his client is conducting trade in jute bags. We see that the petitioner is around 32 years of age, while the respondent-landlord is a senior citizen, 80 years old. We have looked into the quality of the findings and the plea regarding the non-availability of accommodation. On the whole, we are satisfied that the impugned order does not deserve interference on merits. We, however, grant the petitioner two months more in excess of what has been granted by the Rent Control Tribunal to vacate the premises. This will be on the condition that the petitioner-tenant files a personal affidavit before the Rent Controller unconditionally undertaking to vacate the premises on the termination of the period which he would enjoy by virtue of this order. He shall also deposit before the Rent Controller the entire amount that would be due till he so vacates the premises. All such amounts shall be deposited and affidavit shall be filed as directed herein within a period of 4 weeks from now. The landlord is at liberty to withdraw all such amounts, on deposit. The time to vacate the premises, so fixed, shall be treated as last opportunity.
4. With the aforesaid directions, the writ petition is disposed off affirming the impugned order.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge