

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.2206 of 2016 (O&M)
Date of Decision: 05.12.2017

M/s Ram Sahai Tilak Raj
and another

... Petitioners

Versus

Amarjit Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashok Aggarwal, Advocate,
for the petitioners.

Mr. Gagandeep Singh Sirphikhi, Advocate,
for the respondent.

RAJIV NARAIN RAINA, J.(Oral)

1. When this matter came up for hearing on March 30, 2016 the
Coordinate Bench passed the following order:-

*“After arguing for some time, learned counsel states
that he does not wish to press this revision on merits but
since the petitioner-tenant is running business in the
premises in dispute for the last almost 55 years he is ready
to vacate the said premises voluntarily without forcing the
respondent to press the execution in case reasonable time is
granted for the same.*

I find this to be a fair submission.

Notice of motion.

*Let the respondent be served through his counsel in
the Executing Court by way of dasti process.*

Adjourned to 12.04.2016.

*In the meantime, the dispossession of the petitioners
shall remain stayed.*

To be shown in the urgent list.”

2. The petitioners have availed the benefit of use and occupation

of the demised premises after eviction for over one year and eight months and that this period appears by default of pendency of this petition by force of circumstances beyond control, as reasonable time for the tenant to vacate the shop and deliver possession to the respondent landlord. Any further accommodation as requested for six months would be unbearable to the landlord and the same is declined as unjustified.

3. As a result, the stay order is vacated and the petition is dismissed.

4. The petitioners shall handover the vacant possession of the demised premises to the landlord-respondent by January 31, 2018. The petitioners will furnish an undertaking by way of affidavit before the Rent Controller within 15 days from the date of receipt of certified copy of this order, to deliver possession of the demised shop to the respondent-landlord. Arrears of rent/mesne profit, if any, be cleared before vacating the premises.

(RAJIV NARAIN RAINA)
JUDGE

05.12.2017
manju

Whether speaking/reasoned *Yes*

Whether reportable *No*