

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

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CR No.1838 of 2017 (O&M)

Date of decision: 01.06.2017

Wekanti Leong & others

...Petitioners

Versus

Jatinder Kaur & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms.Aparna Singhal, Advocate, for
Mr.Avnish Mittal, Advocate, for the petitioners.

Mr.R.S.Rai, Sr.Advocate
with Mr.Divanshu Jain, Advocate, for the respondents.

G.S. SANDHAWALIA, J. (Oral)

Undertaking in the form of an affidavit of petitioner No.1 has been filed by petitioner No.1, that the premises in question would be vacated by 31.03.2018. It has been further undertaken to pay the monthly rent/mesne profits of Rs.15,000/-, which have been fixed by the Appellate Authority, by the 10th day of each month, till the vacation of the premises in question. Mr.Perry Pao Shing Kuo, petitioner No.2 is also present in Court and submits that he is also equally bound by his mother's undertaking to vacate the premises, being one of the predecessor-in-interest of Kuo Chuan Chiang. Petitioner No.3, the daughter was also present on the last date of hearing, i.e., 25.05.2017, when the following order was passed:

“The tenants are challenging the order of eviction passed by the Rent Controller, Ludhiana dated 26.03.2015 (Annexure P-1) upheld by the Appellate Authority on 14.12.2016. The mesne profits have been fixed by the Appellate Authority @ ₹15,000/- per month from 10.08.2016 for the premises in question. The landlords have challenged the fixation at the said rate in C.R. No. 6171 of 2016 whereas, the tenants have challenged the eviction orders in C.R. No. 1838 of 2017. After arguments were heard on the fixation for mesne profits and the rate was fixed ₹75,000/- per month by dictating order in Court.

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Counsel for the petitioners-tenants on instructions from the tenant Ms. Wekanti Leong has submitted that they would like to vacate the premises in question by 31.03.2018 since they are not in a position to pay the mesne profits at that rate.

Counsel for the landlord, on instructions from the respondent-landlady – Jatinder Kaur, who is present in Court, submits that he has no objection to the said arrangement provided the mesne profits are continued to be paid at the rate as fixed by the Appellate Authority i.e. @ ₹15,000/- per month till the vacation of the premises, as undertaken.

To come up for filing of necessary affidavit on 01.06.2017.

Photocopy of the order be placed on the file of connected case.”

In compliance of the above order, the present affidavit has been filed. It is pertinent to notice that respondent No.4 (in CR-6171-2016), another family member, has preferred not to file any revision against the ejectment order, upheld by the Appellate Authority. A cheque amounting to Rs.78,000/- clearing the arrears of rent up-to date, has also been handed over to Mr.Jain, counsel for the respondent-landlords. Photocopy of the same has been taken on record.

In such circumstances, the present revision petition is disposed of and the petitioners are bound down by their undertaking given as per the directions given vide order dated 25.05.2017 and shall comply with the same. It is made clear that if there is any violation of the said undertaking, it will be open to the landlords to take possession through the Rent Controller, Ludhiana, who shall provide police help, if so required.

01.06.2017
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No