

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

121

CR No.2329 of 2017 (O&M)

Date of decision: 08.05.2017

Shital

....Petitioner

Versus

Anup Kumar

...Respondent

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

Present: Mr.R.P.S.Ahluwalia, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Challenge in the present revision petition, filed by the petitioner-tenant, is to the eviction order dated 13.11.2015, passed by the Rent Controller, Ambala, on the ground of *bona fide* requirement of the respondent-landlord, which has been upheld by the Appellate Authority, vide order dated 17.02.2017.

On 30.03.2017, the following order was passed:

“After arguing for sometime and keeping in view the fact that the tenanted premises are abutting the premises of the landlord, who required the same for his own use and occupation, which has been held to be a bonafide requirement by both the Courts below, *prima facie*, this Court is of the opinion that there is not much scope in the present revision petition for interference.

Mr. Ahluwalia has vainly tried to convince this Court that some other rooms have been got vacated which were, thereafter, leased out for a month or so. It is his case that the necessity as such is not genuine.

However, in view the fact that the landlord examined himself and keeping in view the above facts and circumstances, this Court is of the opinion that the findings as such has been rightly held out by both the Courts below.

Faced with this situation, Mr. Ahluwalia prays for time to seek instructions that whether the petitioner is willing to file an affidavit as to the fact that he could be give sometime to vacate

the premises, since the tenant is running a Mobile Communication shop and, therefore, would require some reasonable time for re-location.

To come up for the said purpose on 24.04.2017.”

In pursuance of the said order, the requisite affidavit has been filed that the petitioner-tenant shall vacate the premises by 31.03.2018.

Accordingly, the present revision petition is disposed of, with the directions that petitioner is bound down by the said affidavit and her possession shall be duly protected on fulfilling the conditions that she shall vacate the premises by 31.03.2018, clear all the arrears of rent by 15.07.2017 and shall continue paying the rent by 7th of each month by way of deposit with the Rent Controller, Ambala. Any violation of the above terms will entitle the respondent-landlord to take possession, through the Rent Controller, Ambala, who shall direct eviction, even if police help is required.

Copy of this order be supplied to counsel for the petitioner, under the signature of Special Secretary of this Court.

08.05.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No