

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

CR No. 3039 of 2017 (O&M)

Date of decision: 11.05.2017

Ramesh Chand Gupta and another

... Petitioners

Versus

Ved Parkash

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Munish Gupta, Advocate for the petitioners.

Mr. Kulbhushan Sharma, Advocate
for the caveator-respondent.

HARI PAL VERMA, J. (ORAL)

The petitioner-tenants have filed the present revision petition against the judgment and decree dated 20.01.2017 passed by Appellate Authority, Palwal under the Haryana Urban (Control of Rent and Eviction) Act, 1973, whereby the appeal filed by the petitioners against the judgment dated 21.03.2016 passed by the Rent Controller, Palwal ordering their eviction, was dismissed.

Learned Rent Controller while allowing the rent petition filed by the respondent-landlord under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 held that the respondent-landlord has proved the bonafide need of expansion of his business, so as to establish a handloom showroom. Learned Rent Controller has

given two months time to the petitioner-tenants to handover the vacant possession of the shop in question to the respondent-landlord vide his judgment dated 21.03.2016.

Learned counsel for the petitioner-tenants after arguing the case on merits for sometime, has confined his arguments to the point that taking into consideration the long tenancy of the petitioners as they have taken the demised premises on the rent in the year 1986 and are running a garment shop under the name of Aggarwal Textiles Palwal, they be granted adequate time to enable them to locate some alternative site for their business. He states that petitioners are ready to vacate the premises in question within three years. However, petitioners shall continue to pay the admitted rent by 7th of each calendar month.

Mr. Kulbhushan Sharma, Advocate, who is present in Court, accepts notice on behalf of the respondent-caveator and states that it is a long drawn litigation which started in the year 2014. Therefore, the period of three years would be a too long a period for the respondent-landlord, who is already waiting for expansion of his business and had filed the rent petition on 13.02.2014.

However, during the course of arguments, Mr. Kulbhushan Sharma, learned counsel for respondent on instructions from his client, who is present in Court, he submits that the respondent-landlord has no objection in case a period of two years is granted to the petitioner-tenants to vacate the premises. He further states that the petitioner

should submit an affidavit before the Rent Controller enumerating therein that he will vacate the premises in question on or before 31.05.2019 and shall clear all the outstanding arrears of rent and continue to pay the admitted rent by 7th day of each calendar month.

Learned counsel for the petitioner-tenants has accepted the offer made by the respondent and undertakes to vacate the premises on or before 31.05.2019. Thus he does not press the instant revision petition.

However, it is made clear that petitioner-tenants shall submit an undertaking/affidavit before the Rent Controller, Palwal within fifteen days from today to the effect that petitioners shall vacate the premises in dispute within two years and shall handover the vacant possession to the respondent-landlord on or before 31.05.2019 and shall also clear the outstanding arrears of rent as well as continue to pay the admitted rent by 7th day of each calendar month.

Dismissed as not pressed.

(HARI PAL VERMA)
JUDGE

11.05.2017

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Whether speaking/non-speaking: Yes/No
Whether reportable : Yes/No