

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.3647 of 2013 (O&M)

Date of Decision: 23.08.2017

Vinay Partap Singh Brar

... Petitioner

Versus

Maj. General Satnam Singh (Retd.)

... Respondent

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

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate,
with Mr. Rajesh Narang, Advocate,
for the petitioner.

Mr. Arun Sharma, Advocate,
for the respondent.

RAJIV NARAIN RAINA, J.(Oral)

1. After arguing for some time and not making much headway on the merits of the case, learned counsel for the petitioning tenant prays that he may be given time to vacate the premises and handover its possession peacefully to the landlord. The landlord is present in Court and has been heard together with his learned counsel as to what period should be reasonable to grant to the tenant to vacate the demises residential premises. Respondent submits that he has been battling for recovery of possession of his property on ground of personal necessity and bona fide need for the last ten years and is worn thin by litigation and the money spent prosecuting the eviction petition.

2. The tenant pleads mercy for six months.

3. It is pointed out by the landlord that the tenant is a man of

considerable means and is a big landlord from Punjab and would have no difficulty in moving out of the demised premises even within a week. Without going into all that since it makes no difference to the result I have heard the learned counsel for the parties on facts.

4. Taking the totality of circumstances I am of the considered view that the more reasonable conclusion of the dispute would be to grant about three months' time to the tenant to vacate the premises which is held reasonable time for him to make alternative arrangements.

5. Accordingly, the petition is dismissed on merits but time is granted to the petitioning tenant to vacate the premises on or before November 15, 2017. It will be taken that the statement made to this Court is recorded as an undertaking.

6. In any case, the petitioner would file an undertaking by way of an affidavit before the Rent Controller within a fortnight from communication of this order that he shall positively vacate the demised premises on or before November 15, 2017 and handover the keys of the house peacefully to the landlord. It will be for the petitioner to vacate the premises earlier than the date fixed but he will have to clear the dues till the date he delivers physical vacant possession of the tenanted premises.

7. Needless to say, that the petitioner would pay the mesne profits assessed within 15 days from today and would continue to pay the mesne profits till the expiry of the period i.e. till November 15, 2017. While handing over the possession the tenant will ensure that it is handed over in the state in which it was let out and would remain responsible to compensate landlord for any damage to property even after vacating the

residential house by the appointed day.

8. In case, any payment has been made by the tenant which has not reached the pocket of the landlord he would handover a draft in that amount to the counsel for the landlord in discharge of debt.

9. With these observations and directions, the petition stands disposed of.

23.08.2017
manju

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *No*