

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.3564 of 2014 (O&M)

Date of decision: 22.05.2017

Cane Emporium & others

....Petitioners

Versus

Bakshish Kaur

...Respondent

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

Present: Mr.Kunal Mulwani, Advocate, for the petitioner.

Mr.I.P.Singh, Advocate, for the respondent.

G.S. SANDHAWALIA, J. (Oral)

On 10.05.2017, the following order was passed:

“The eviction has been ordered under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 after declining leave to contest by the Rent Controller, Chandigarh on 26.02.2014.

It is not disputed that another co-tenant from the same building in question, namely, Rakesh Rishi has also lost the litigation and ***Civil Revision No.7630 of 2012*** filed by him was dismissed on 05.08.2013, the detail of whom had been given in the petition under Section 13-B also.

It is the categorical case of the respondent-landlady that the premises are required for renovation and only after vacation by the petitioner-tenant, the building can be renovated and utilized.

The Apex Court vide order dated 11.01.2017 passed in ***SLP (Civil) No.28857 of 2013*** has also declined to interfere in the order of the co-tenant. However, time has been granted till December, 2018 to vacate the premises.

It is apparent that the petitioner-tenant is similarly placed as such.

Mr. Mulwani on instructions submits that the petitioner-tenant shall vacate the premises by 30.06.2018.

Let, the necessary affidavit be filed on or before the next

date of hearing.

Adjourned to 22.05.2017.”

In compliance of the said order, Mr.Mulwani has filed undertakings of petitioners No.2 & 3, namely, Vipin Khosla and Vijesh Kumar Khosla, partners of petitioner No.1, vide which, the premises are to be vacated by 30.06.2018 and possession is to be handed over to the respondent and the agreed monthly rent of Rs.8000/- is to be paid on or before 7th of the respective months. Rent upto June, 2017 is stated to be already already deposited before the Rent Controller, Chandigarh and accordingly, the deponents wishes to withdraw the present revision petition. The said undertakings are taken on record.

Accordingly, the present revision petition is disposed of, by binding down the petitioners to the terms of the undertakings. The rent already deposited shall be released to the landlady. It is open to the parties to deposit the rent directly with the landlady, in the bank account, so that the record is maintained regarding this aspect, for the future rent. It is made clear that in case there is any violation of the said terms, it will be open to the respondent-landlady to seek possession of the premises in question, through the Rent Controller, Chandigarh, who shall get the possession handed-over immediately, even if police help is required.

22.05.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No