

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

**C.R. No. 3806 of 2014 (O & M)**

**Date of decision: 25.05.2017**

Uday Jain

....Petitioner(s)

Versus

Sarvjit Singh Kailey

...Respondent(s)

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

Present: Ms. Deepali Puri, Advocate,  
for the petitioner.

Mr. Divanshu Jain, Advocate,  
for the respondent.

**G.S.SANDHAWALIA, J. (Oral)**

Affidavit of the petitioner, in pursuance to order dated 17.05.2017, has been filed, whereby, he has undertaken to vacate the premises in question by 30.07.2017. It has been further stated in the affidavit that the rent upto May, 2017 has been paid and he shall also pay the rent for the remaining period upto July, 2017.

The order dated 17.05.2017 reads as under:-

“A perusal of the record would go on to show that by virtue of a compromise (Annexure P-4) arrived in a petition filed under Section 13-B, the petitioner was given the latitude to vacate the premises by 30.11.2010 at an enhanced amount for occupation rights. The compromise was made part of the eviction order dated 22.04.2008 (Annexure P-5). The application for enlargement of time was dismissed on 14.01.2011 (Annexure P-6) and, thereafter, an execution petition was filed, in which objections have been dismissed.

Prima facie, this Court is of the opinion that once undertaking had been given, it has to be duly honoured,

there is no question of new tenancy having been set up and a violation of the undertaking has been made.

Faced with this situation, counsel for the petitioner prays for time to seek instructions as to when the vacant possession will be handed over to the respondent/landlord.

Adjourned to 25.05.2017.”

Keeping in view the affidavit filed, the present revision petition is disposed of as having been rendered infructuous by binding down the petitioner to the terms of the affidavit. It is made clear that in case of violation of the undertaking, the landlord is entitled to get the possession of the premises in question through the Rent Controller by seeking police help, if required. He will also be liable to be proceeded against under the Contempt of Courts Act, 1971.

25.05.2017  
shivani

(G.S. SANDHAWALIA)  
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No