

Gurbaksh SinghPetitioner
versus

Achhru Ram VermaRespondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gursharan Singh, Advocate
for the petitioner.

Mr. Rajat Mor, Advocate
for the respondent.

DEEPAK SIBAL, JUDGE (ORAL)

The respondent-landlord had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking therein the eviction of the petitioner from Shop No.7-A, Sant Building, Near New Market, Lakkar Mandi, Rajpura Town, Rajpura (for short the 'tenanted premises').

Ejectment was sought on the ground that the tenanted premises was in a dilapidated condition and thus, unsafe for human habitation. Rent Controller, Rajpura through her order dated 29.10.2015, ordered the petitioner's eviction from the tenanted premises on the ground that the respondent's claim was established. Through order dated 04.01.2017, the petitioner's appeal against the order passed by the Rent Controller, Rajpura was dismissed by the Appellate Authority, Patiala giving him a cause to approach this Court through the present petition.

On 28.08.2017, after arguing the matter for some time and

having received no favourable response from the Bench, counsel for the

petitioner submitted that he did not wish to press the present petition on merits. However, since the petitioner was a tenant in the tenanted premises for the last 35 years, he sought six months' time to vacate the tenanted premises for making an alternative arrangement. Considering the prayer made by learned counsel for the petitioner, notice of the petition was issued to the respondent in pursuance whereof, Mr. Rajat Mor, Advocate has appeared on his behalf.

Learned counsel for the respondent, on instructions from his client, states that subject to the petitioner clearing all arrears of rent and payment of all future rent in advance as also on filing of an undertaking in the form of an affidavit before the Executing Court that he would vacate the tenanted premises on or before 28.02.2018, the petitioner may be permitted to occupy the tenanted premises till 28.02.2018.

Learned counsel for the petitioner after having received instructions from his client, accepts the above statement made by learned counsel for the respondent.

In view of the above, the present petition is dismissed. However, the petitioner is granted time till 28.02.2018 to vacate the tenanted premises. The grant of such time is subject to his furnishing an undertaking in the form of his own affidavit to be filed before the Executing Court, Rajpura, on or before 20.09.2017 that he shall hand over the actual physical possession of the tenanted premises to the respondent on or before 28.02.2018; he is occupying the premises at his own risk; he has already cleared the entire arrears of rent and that he shall continue to pay the future

Needless to add that any violation of the terms of the aforesaid affidavit of the petitioner would entitle the respondent-landlord to seek the petitioner's eviction from the tenanted premises forthwith with police help, if necessary, as also to initiate proceedings against the petitioner under the Contempt of Courts Act, 1971.

(DEEPAK SIBAL)
JUDGE

06.09.2017
Neha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No