

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

CR 4139/2017 (O&M)

Date of decision:12.12.2017

Chander Shekhar

.....Petitioner

v.

Suresh Kumar Jain

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Rajnish Gupta,Advocate for the petitioner/tenant.

Jaswant Singh,J,(Oral).

Petitioner/tenant is in revision against concurrent eviction orders passed by the Authorities below whereby he has been ordered to be evicted from the demised shop on the ground of “personal necessity” vide order dated 30.7.2016 passed by Rent Controller, Jalandhar and findings thereof affirmed by the Appellate Authority,Jalandhar vide order dated 11.5.2017.

After arguing at length and having failed to convince the Court on merits, the learned counsel states that he would not press the instant petition provided some reasonable time is granted. It is submitted that commercial tenancy is of the year 1986 and petitioner is running a Saloon in the demised shop. Accordingly, prayer is made to grant reasonable time for the petitioner to shift his business to some other place and vacate the premises. It is further submitted that besides clearing the arrears of rent at the admitted rate of Rs.125/- per month, petitioner is also willing to pay future rent at the rate of Rs.1000/- per month for the time so granted by this

Court, as no mesne profits was determined by the Appellate Authority.

Prayer is reasonable and hence accepted.

In view of nature of the order being passed, it is not felt necessary to issue notice to the respondent/landlord so as to avoid delay in the matter and to save him from unnecessary litigation expenses.

In view of the above, this petition is dismissed as not pressed, however, one year's time commencing w.e.f. 01.01.2018 is granted to the petitioner-tenant for making alternative arrangement subject to his furnishing an undertaking on or before 6.1.2018 before the Court of learned Rent Controller, Jalandhar, that he shall hand over actual physical vacant possession of the demised premises to the respondent/ landlord by 31.12.2018. The undertaking shall also state that the entire arrears of rent, if any, at the admitted rate of Rs.125/- per month have been cleared till 31.12.2017 and petitioner shall pay future rent @ Rs.1000/- per month w.e.f. 1.1.2018 to 31.12.2018, by 10th of each calendar month.

Needless to say that any violation of the aforesaid terms shall entitle the landlord to seek his eviction forthwith with police help, if necessary without recourse to any other remedy besides the petitioner-tenant making himself liable in contempt proceedings.

12.12.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No