

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

**Civil Revision No.4251 of 2014 (O&M)
Date of Decision: 17.07.2017**

Hari Chand

..... Petitioner

Versus

Mohinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Namit Gautam, Advocate for the petitioner/tenant.

Mr. R.S.Khosla, Senior Advocate assisted by
Ms. Ishrat Phulka, Advocate for the respondent/landlord.

JASWANT SINGH, J. (ORAL)

The tenant is in revision against the concurrent findings recorded by both the Authorities below, whereby he has been evicted from the demised shop, part of the Building No.B.1.1036/5, situated at Dandi Swami Road, Civil Lines, Ludhiana on the ground of personal necessity of the respondent/landlord himself along with that of his wife, vide order dated 16.02.2013, passed by Rent Controller, Ludhiana, duly affirmed by learned Appellate Authority, Ludhiana, vide order dated 30.05.2014.

It is not in dispute that the tenant is running a “Dry-Cleaning Shop” from the demised shop since the year 1974. It is also not in dispute that the wife of the landlord had died, during the pendency of the eviction proceedings before the Rent Controller. It is also not in dispute that the respondent/landlord, after filing of the present revision on 01.07.2014, has also died on 04.01.2016, leaving behind his son-Davinder Pal Singh and daughter-Jagmohan Kaur are the only surviving legal heirs.

Accordingly, CM No.4319-CII of 2016 under Order 22 Rule 3 & 4 read with Section 151 CPC has been moved for impleading the son-Davinder Pal Singh, based on a registered Will as the legal heir of the respondent/landlord.

The present application is allowed subject to all just exceptions and Davinder Pal Singh is brought on record for the purpose of pursuing the present revision. The amended memo of parties is taken on record.

It is a conceded position that remedy of the revision is not a continuation of the rent proceedings and, therefore, the death of the landlord during the pendency of the revision would not efface the findings of personal necessity, determined by both the Authorities below in relation to the date of filing of the rent application.

However, learned Counsel for the petitioner/tenant, on instructions, prays for permission to withdraw the revision provided, keeping in view the long tenancy, some reasonable time to vacate the premises is granted subject to the payment of the rent at the rate of Rs.5000/- per month.

The prayer is reasonable and also not opposed by learned Counsel for the respondent, therefore, accepted.

In view of the aforesaid circumstances, this petition is dismissed as withdrawn with a direction that fifteen months' time commencing w.e.f. 01.08.2017 is granted to the petitioner-tenant for making alternative arrangement subject to his furnishing an undertaking on or before 08.08.2017 before the Court of learned Rent Controller concerned that he shall hand over actual physical vacant possession of the demised premises to the newly impleaded respondent/landlord-Davinder Pal Singh by 31.10.2018. The undertaking shall also state that the entire arrears of rent, if any, at the previous rate have been cleared and that he shall continue to pay the rent in advance by 7th of each

calendar month at the rate of Rs.5000/- per month w.e.f. 01.08.2017 till 31.10.2018.

Needless to say that any violation of the 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.

July 17, 2017
Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>