

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.4632 of 2016 (O&M)

Date of decision: 21.02.2017

M/s Delhi Gun House, Amritsar

....Petitioner

Versus

Amarjit Kaur

...Respondent

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

Present: Mr.Veneet Sharma, Advocate, for the petitioner.

Mr.Anil Chawla, Advocate, for the caveator/respondent.

G.S. SANDHAWALIA, J. (Oral)

Application bearing CM-3653-CII-2017 in CR-4632-2016 has been filed for placing on record the affidavit of the petitioner, in terms of the order dated 14.02.2017.

The following order was passed on the said date:

“After hearing arguments for some time, this Court is of the opinion, keeping in view the fact that eviction is sought on the ground of *bona fide* necessity and the argument raised that there was splitting up of tenancy, is not tenable. Moresoever, keeping in view of the fact that the rent note does not talk about any separation of the premises and that there was any basement, as such and that it was let out separately and neither the argument of splitting of tenancy had been pleaded before the Courts below.

Faced with this situation, Mr. Sharma submits that since a gun house is being run there, therefore, permissions are required and a strong room is to be created, the petitioner would require some time for re-location of the premises. He submits that the petitioner would file necessary affidavit, to vacate the premises by 31.03.2018. The said affidavit will give the factum that the arrears of rent have been duly cleared and the petitioner shall continue paying mesne profits as per the terms and conditions fixed by the Appellate Authority, i.e., @ Rs.14,000/- per month (as Rs.8000/- and Rs.6000/- which are being paid separately for both the premises).

The said undertaking is also acceptable to the counsel for the caveator/respondent.

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Let the necessary affidavit be filed, on or before the next date of hearing, keeping in view the consensus arrived at between the parties.

List 21.02.2017.

In the meantime, *status quo* shall be maintained.

Photocopy of this order be placed on the record of the other connected case.”

Resultantly, affidavit has been filed stating therein that the vacant possession would be handed over to the respondent-landlady by 31.03.2018 and the arrears of rent will be deposited. The mesne profits, as fixed by the Appellate Authority, Amritsar, will also be, accordingly, deposited.

Mr.Chawla, appearing for the respondent-landlady, submits that the mesne profits have been paid till March, 2016.

Mr.Sharma, appearing for the petitioner-tenant, submits that the arrears will be deposited by 31.03.2017. He further submits that as per the undertaking, the mesne profits @ Rs.14,000/- per month, for both the premises, will be deposited with the Rent Controller, Amritsar, by 7th day of each month.

Resultantly, keeping in view the above understanding arrived at between the parties, the present revision petition is disposed of, in the above terms. It is made clear that any violation of the same would make the petitioner-tenant liable to be evicted and in case the undertaking is not complied with, it will be open to the Rent Controller, to deliver the vacant possession of the premises, even if police help is required.

February 21st, 2017

Sailesh

Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No

(G.S. SANDHAWALIA)
JUDGE