

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

CR No.4293 of 2017(O&M)

Date of Decision:-26.07.2017

Avtar Singh.

.....Petitioner.

Versus

Prem Bhushan.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. V.K. Jindal, Senior Advocate assisted by
Mr. Amardeep Sheoran, Advocate for the Petitioner.

Mr. R.D. Bawa, Advocate for the respondent.

JASWANT SINGH, J. (ORAL)

Petitioner(tenant) is in revision under Section 15(6) of the East Punjab Urban Rent Restriction Act, 1949 against the concurrent findings returned by both the courts below whereby the rent petition filed by the respondents(landlord) was allowed by learned Rent Controller, Ambala vide its order dated 27.01.2017 and the findings thereof were affirmed by learned Appellate Authority, Ambala vide its judgment dated 22.05.2017 and petitioner(tenant) was directed to hand over vacant possession of the demised premises i.e. house no.7, Basant Vihar, Near Jaggi Colony, Ambala city constructed on a plot measuring 202 square yards forming part of Khasra No.19//22, 23/21 & 23/3/1 situated in Suba Akbarpur, Tehsil Ambala City and District Ambala.

This Court while issuing notice of motion on 13.07.2017 passed the following order:-

“ Petitioner-tenant has been held to be a tenant in the demised residential house by recording concurrent findings by the Rent Controller,duly affirmed by the Appellate Authority. The relationship is of a Sala and Jija between the parties.

On merits this Court is absolutely inclined to dismiss the revision petition,however,faced with such situation,prayer is restricted only to grant of some reasonable time to relocate, on payment of rent, as determined by this Court.

Notice of motion to the aforesaid limited extent for 26.7.2017.

At this stage,Mr.R.D.Bawa,Advocate accepts notice on behalf of the respondents and submits his vakalatnama. Parties shall remain present in Court on the next date of hearing. To be shown in the urgent list. ”

At the time of hearing, learned Counsel for the petitioner (tenant) on instructions from his client submits that he would not press this revision petition provided some reasonable time is granted to make alternative arrangement to shift from the demised premises to which learned Counsel for the respondent (landlord) has no objection.

In view of the aforesaid agreed stand of the parties, this petition is dismissed as not pressed, however, eight 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 09.08.2017 before the Court of learned Rent Controller, Ambala that he shall hand over actual physical vacant possession of the demised premises to the respondent landlord by 31.03.2018. The undertaking shall also state that the entire arrears of rent, if any, at the rate of Rs.2500/- have been cleared w.e.f. 22.05.2017 uptill August, 2017 and that petitioner shall

continue to pay the rent in advance by 7th of each calendar month at the rate of Rs.2500/- per month till 31.03.2018.

Needless to say that any violation of the terms shall entitle the landlords 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.

(JASWANT SINGH)
JUDGE

July 26, 2017
Vinay

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