

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4318 of 2017 (O&M)

Date of Decision: September 05, 2017

Harwinder Singh

..Petitioner

Versus

Arun Singh (deceased) through his LRs

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Gagandeep Singh Simble, Advocate
for the respondents.

DEEPAK SIBAL, J. (oral)

The landlord had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking therein the ejectment of the petitioner from the tenanted premises which was described in the head note of the petition.

Vide order dated 09.01.2015, the Rent Controller, Batala while allowing the petition, ordered the eviction of the petitioner from the tenanted premises. The appeal preferred by the petitioner against the aforesaid order passed by the Rent Controller, Batala was dismissed by the Appellate Authority, Gurdaspur through order dated 18.05.2017. It is in these circumstances that the petitioner has knocked the doors of this Court through the present petition.

When the matter came up for hearing on 11.08.2017, counsel for the petitioner having argued the matter for some time and finding no favourable response from the Bench submitted that he did not wish to press the present petition on its merits. However, he prayed that since the petitioner has been in occupation of the tenanted premises since the year 1993, he may be given some reasonable time to vacate the tenanted premises, of course subject to clearing all the arrears of rent and also payment of future rent.

On the above prayer, notice of motion was issued to the respondents.

Counsel for the respondents-landlords had submitted that as per his instructions from his clients, subject to the petitioner filing an undertaking in the form of an affidavit in this regard, he may be granted time till 31.05.2018 to vacate the tenanted premises, of course, subject to clearing all the arrears of rent as also payment of future rent.

An affidavit of the petitioner dated 02.09.2017 in terms of the above statement made by counsel for the respondents-landlords has been filed by counsel for the petitioner in Court today through which the petitioner has undertaken to vacate the tenanted premises on or before 31.05.2018; clear all arrears of rent and further pay monthly rent for the period that the petitioner would occupy the tenanted premises. The aforesaid affidavit is ordered to be taken on record as Annexure-Mark "A".

In view of the above, the petition is dismissed. However, the petitioner is permitted to occupy the tenanted premises till 31.05.2018, of course, subject to payment of all the arrears of rent within one week from

today as also payment of rent for the period that the petitioner occupies the tenanted premises. Such rent shall be paid in advance by the 7th of each month.

It is further directed that the petitioner shall remain bound by the terms contained in the affidavit filed by him in Court today (Annexure-Mark "A") and in the event of violation of the terms of the affidavit, the respondents-landlords would be entitled to seek the petitioner's eviction from the tenanted premises forthwith with police help, if necessary as also to initiate against the petitioner proceedings under the Contempt of Courts Act, 1971.

September 05, 2017
Sunil

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No