

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

**CR 4504/2017(O&M)**

**Date of decision:16.08.2017**

Mahender Saini and another

.....Petitioners

v.

Azad Singh

.....Respondent

**Coram: Hon'ble Mr.Justice Jaswant Singh**

**Present:-** Mr.Naveen Kundu,Advocate for the petitioners/tenants

**Jaswant Singh,J,(Oral).**

Petitioners/tenants are in revision directed against the order dated 18.5.2016 passed by the learned Rent Controller, Charkhi Dadri whereby they were evicted from the demised shop measuring 28.47 square yards situated at Hira Chowk, Charkhi Dadri on the grounds of “sub letting”, “personal necessity” and “unfit for human habitation”; and against the order dated 10.5.2017 passed by the learned Appellate Authority, Bhiwani, whereby findings qua “sub letting” were affirmed while reversing the findings qua “personal necessity and “unfit for human habitation”.

It has come on record that the demised shop was originally let out only to petitioner no.1-Mahender Saini who is running a sweet shop under the name and style of “Saini Misthan Bhandar” in a portion

of the demised shop whereas in the remaining portion his brother Raj Kumar @ Bulli, is selling cooked vegetables under the name and style of “Bulli Bhai Sabjiwala”. The petitioners/tenants' case was that Mahender Saini and Raj Kumar @ Bulli are real brothers and running a joint business and thus Raj Kumar is only helping his brother, but in support thereof no books of accounts etc., were produced to establish joint venture/partnership.

After arguing at length and having failed to convince the Court, learned counsel on instructions from his clients states that he would not press the instant petition provided some reasonable time is granted to petitioners to shift their 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.150/- per month plus electricity-water charges etc., petitioners are also willing to pay future rent at the rate of Rs.500/- per month for the time so granted by this Court.

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, 12 months time commencing w.e.f. 01.09.2017 is granted to the petitioners-tenants for making alternative arrangement subject to their furnishing a joint undertaking on or before 31.08.2017 before the Court of learned Rent Controller, Charkhi Dadri, that they shall hand over actual physical vacant possession of the demised premises to the respondent/

landlord by 31.8.2018. The undertaking shall also state that the entire arrears of rent, if any, at the admitted rate of Rs.150/- per month have been cleared till 31.08.2017 and petitioners shall pay future rent @ Rs.500/- per month w.e.f. 1.9.2017 to 31.8.2018, by 7<sup>th</sup> of each calendar month.

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

16.08.2017  
joshi

(Jaswant Singh)  
Judge

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |