

**110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.5051 of 2017 (O&M)

Date of Decision: October 25, 2017

Vinod Jain

..... Petitioner

Versus

Mangat Ram Aggarwal (deceased) through LRs and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Jatinder Singla, Advocate
for the respondents.

DEEPAK SIBAL J. (ORAL)

CM No.22620-CII of 2017

Through this application filed under Section 151 CPC, affidavit of the petitioner, in compliance of the order of this Court dated 12.10.2017, is sought to be placed on the record.

Allowed as prayed for.

CM stands disposed of.

CR No.5051 of 2017 (O&M)

The respondent-landlord had filed a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 for ejectment of the petitioner-tenant from shop bearing house tax No.10018/6, Sarafa Bazar, Ambala City (for short 'the tenanted premises'). The Rent Controller, Ambala, through order dated 27.07.2015, directed the petitioner's eviction from the tenanted premises. The above order passed by the Rent Controller, Ambala, on appeal by the petitioner was

upheld by the Appellate Authority, Ambala. It is in these circumstances that the petitioner has approached this Court through the present petition.

On 12.10.2017, after arguing the matter at length and having not received a favourable response from the Court, learned counsel for the petitioner had submitted that he did not intend to challenge the impugned orders on merits. However, to make alternate arrangements, he prayed that some reasonable time be given to the petitioner to vacate the tenanted premises.

The petitioner has filed an affidavit dated 23.10.2017 through which the petitioner undertakes to vacate the tenanted premises on or before 25.04.2018. The petitioner further undertakes to clear all arrears of rent as also to pay future rent for the period that he would occupy the tenanted premises. The afore-referred affidavit has already been taken on record.

Learned counsel for the respondent accepts the terms of the affidavit.

In view of the above, the petitioner is permitted to occupy the tenanted premises till 25.04.2018, of course, subject to clearing of all arrears of rent as also payment of advance rent by 7th of each month for which he occupies the tenanted premises. As undertaken by him, he shall hand over the vacant physical possession of the tenanted premises to the respondent-landlord on or before 25.04.2018. It is further directed that the petitioner shall remain bound by his afore-referred affidavit and any violation of the same would entitle the respondent to not only seek forthwith possession of the tenanted premises but also to initiate against the petitioner proceedings under the Contempt of Courts Act, 1971.

The petition is dismissed in the above terms.

October 25, 2017
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No