

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CR No.5489 of 2017

Date of Order: 21.08.2017

Pawan Kumar

....Petitioner

Versus

Ashwani Kumar and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

JASWANT SINGH, J (ORAL)

The tenant, proprietor of M/s Pawan Watch Company is in revision directed against the concurrent findings recorded by both the Authorities below, whereby he has been evicted from the demised premises, comprising the right side portion of SCF No.9, Sector 20-C, Chandigarh vide order dated 10.9.2015 passed by the learned Rent Controller, Chandigarh, duly affirmed by the learned Appellate Authority, Chandigarh vide order dated 10.7.2017, on the ground of personal necessity of the landlord.

After arguing at length and having failed to convince the Court on merits, the learned counsel for the petitioner states that he would not press the instant petition provided some reasonable time is granted for vacating the premises, in view of the prolonged tenancy since the year 1975 and the generated goodwill.

Notice of motion.

Sh. Gurinder Pal Singh, Advocate, who is present in Court, accepts notice for the respondents and filed his Vakalatnama. He has not contested the aforesaid prayer made by

learned counsel for the petitioner.

It has been agreed that the petitioner-tenant, in view of his long tenancy, shall retain the premises till 31.12.2019 by paying rent equal to the mesne profits determined at the rate of Rs.7500/- per month.

In view of the above agreed stand, this petition is dismissed as withdrawn, however, two years and four months' time commencing w.e.f. 01.09.2017 is granted to the petitioner-tenant for making alternative arrangement subject to his furnishing an undertaking on or before 15.09.2017 before the Court of learned Rent Controller, Chandigarh, that he shall hand over actual physical vacant possession of the demised shop to the respondents/ landlords by 31.12.2019. The undertaking shall also state that the entire arrears of mesne profits, if any, at the rate of Rs.7500/- per month have been cleared from the date of the eviction order passed by the learned Rent Controller, Chandigarh till 30.09.2017 and petitioner shall pay future rent at the same rate w.e.f. 1.10.2017 to 31.12.2019, by 7th of each calendar month. Needless to say that any violation of the aforesaid 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.

Dismissed as withdrawn in above terms.

August 21, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No