

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

Sr. No. 114

CR-5645-2017 (O&M)

Decided on : 31.08.2017

Naresh Duggal

..... Petitioner

VERSUS

Rakesh Dutta

..... Respondent

CORAM:    HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:    Mr.Shiv Kumar, Advocate, for the petitioner.

Mr.Varun Sharma, Advocate, for the respondent.

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DEEPAK SIBAL, J. (ORAL)

The respondent-landlord had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short the 'Act') seeking therein the ejectment of the petitioner from shop No.1, situated in the premises of property No.3-6, Mohalla No.24, Jalandhar Cantt. (for short the “tenanted premises”). Ejectment was sought on the ground that the petitioner-tenant was in arrears of rent as also that the tenanted premises were needed by the respondent for his own personal use.

The Rent Controller, Jalandhar through her order dated 10.08.2015 ordered the petitioner's eviction from the tenanted premises on the ground that the respondent's claim that he needed the tenanted premises for his own use stood established. Through order dated 04.03.2017 the petitioner's appeal against the order passed by the Rent Controller, Jalandhar was dismissed by the Appellate Authority, Jalandhar, giving a cause to the petitioner to approach this Court through the present petition.

On 24.08.2017, after arguing the matter for some time but having received no favourable response from the Bench, learned counsel for the petitioner

stated that he did not wish to press the present petition on merits. However, since the petitioner was a tenant in the tenanted premises since the year 1989, he sought the grant of some reasonable time for vacating the tenanted premises for making alternative arrangements.

Considering the above prayer made by learned counsel for the petitioner, notice was issued to the respondent in pursuance of which Mr. Varun Sharma, Advocate, has appeared on his behalf.

Learned counsel for the respondent submits that he has instructions from his client to make a statement before the Court that subject to the petitioner clearing all arrears of rent, payment of all future rent in advance and on filing of an undertaking in the form of an affidavit before the Executing Court that he would vacate the tenanted premises on the date so specified therein, the petitioner may be permitted to occupy the tenanted premises for a period of six months commencing from 01.09.2017.

Learned counsel for the petitioner after having received instructions from his client, who is present in Court, accepts the above statement made by learned counsel for the respondent.

In view of the above, the present petition is dismissed as not pressed. However, six months' time commencing from 01.09.2017 is granted to the petitioner for vacating the tenanted premises. The grant of such time is subject to his furnishing an undertaking in the form of his affidavit, on or before 08.09.2017, before the Executing Court, Jalandhar that he shall hand over the actual physical possession of the tenanted premises to the respondent by 28.02.2018. The undertaking shall also state that the entire arrears of rent, if any, have been cleared and that he shall continue to pay the rent in advance by 7<sup>th</sup> of each calendar month.

Needless to say that any violation of the terms of the undertaking/affidavit to be filed by the petitioner shall entitle the respondent to seek the eviction of the petitioner forthwith with police help, if necessary. In

addition thereto the petitioner would make himself liable under the Contempt of Courts Act, 1971.

31.08.2017  
shamsher

[ DEEPAK SIBAL ]  
JUDGE

|                           |   |          |
|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |