

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

CR 6155/2015(O&M)

Date of decision:20.09.2017

Mukesh Kumar

.....Petitioner

v.

Ratan Lal and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Munish Gupta,Advocate for the petitioner/tenant

Mr.Kunal Mulwani,Advocate for the respondent/landlord

Jaswant Singh,J,(Oral).

Tenant is in revision directed against the concurrent judgments passed by both the authorities below whereby he has been evicted from the demised shop situated at Nai Mandi,Narnaul (fully described in the eviction petition) on the ground of personal necessity of the landlord vide order dated 18.12.2012 passed by the learned Rent Controller,Narnaul duly affirmed by the Appellate Authority,Narnaul vide judgment dated 7.8.2015 while dismissing the appeal of the tenant.

It is an admitted fact that the tenancy of the demised shop is since 1991 where the petitioner is carrying out the business of Commission Agency of food grains. It is also admitted that the fair rent was assessed as Rs.3512/- on the application of the landlord for determination of fair rent vide order dated 19.1.2011 by the Rent Controller,Narnaul. It is also an admitted fact that mesne profits @ Rs.6000/- per month were assessed vide order dated 1.4.2013 passed by the Appellate Authority during the pendency of the appeal of the tenant against the initial eviction order. It is also admitted by the counsel for the respondent/landlord that from the date of appellate order till 15.12.2017 the rent @ Rs.3512/- stands deposited/paid before the Rent Controller,Narnaul.

Since counsel for the tenant has failed to convince the Court on merits, prayer upon instructions is restricted to grant of some reasonable time to relocate. The said prayer is not opposed by the counsel for the landlord.

Keeping in view the length of the tenancy since 1991, 18 months time has been prayed for which is again not opposed by the counsel for the respondent/landlord.

In view of the aforesaid agreed stand present revision petition is dismissed as not pressed. However, 18 months time w.e.f. 1.10.2017 is granted to the petitioner-tenant for making alternative arrangement subject to his furnishing an undertaking on or before 4.10.2017 before the Court of learned Rent Controller, Narnaul, that he shall hand over actual physical vacant possession of the demised premises to the respondent/ landlord by 31.3.2019. The undertaking shall also state that the entire arrears of fair rent already assessed and noticed above, if any, have been cleared till 15.12.2017 and petitioner shall pay future rent @ Rs.3512/- per month w.e.f. 1.10.2017 to 31.3.2019, by 10th of each calendar month.

Needless to say that any violation of the aforesaid terms shall entitle the landlord 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.

20.09.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No