

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

**Civil Revision No. 581 of 2017 (O&M)
Date of Decision: 12.09.2017**

Namish Goel

..... Petitioner

Versus

Smt. Raj Dulari and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjeev Patiyl, Advocate
for the petitioner-tenant.

None for the respondents-landlords.

JASWANT SINGH, J. (ORAL)

Petitioner-tenant is in revision directed against the concurrent judgments passed by the Authorities below, whereby the tenant was evicted from the demised shop No. 602, Block-3, Patel Road, Ambala City, on the ground of '*personal necessity*' of the landlady's son and husband by learned Rent Controller, Ambala vide judgment dated 04.05.2015, duly affirmed in appeal vide order dated 06.12.2016 passed by learned Appellate Authority, Ambala.

The primary ground taken is that the landlady Smt. Raj Dulari (respondent No. 1 herein) had not appeared in the witness box to substantiate her projected need, however, at the time of arguments, learned counsel for the petitioner-tenant, in view of the settled law that there are certain exceptions to the above principle, does not press the aforesaid ground. He, however, on instructions from his client, who is present in Court, submits that the present revision may be dismissed as withdrawn,

provided some reasonable time is granted to relocate in view of the eighteen (18) years of commercial tenancy in the demised shop. He also submits that for the extended time, the petitioner-tenant would pay rent at the rate of Rs. 5,000/- per month after clearing the arrears at the present admitted rate.

Although notice was issued, no one has appeared on behalf of the respondent-landlord.

The prayer, being reasonable, is accepted.

In view of the aforesaid submission made by the counsel for petitioner, the present revision petition is dismissed as withdrawn, however, ten months time w.e.f. 01.10.2017 is granted to the petitioner-tenant to vacate the premises, subject to furnishing an undertaking before the Rent Controller, Ambala, that he would handover the actual physical vacant possession of the demised shop to the landlords on or before **31.07.2018**. The undertaking shall also state that the arrears at the admitted rate payable till 30.09.2017 have been cleared and he shall continue to pay the rent in advance by 10th of each calendar month @ Rs. 5,000/- per month till **31.07.2018**.

Needless to say that any violation of the 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.

September 12, 2017

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**(JASWANT SINGH)
JUDGE**

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