

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

CR No.6407 of 2016

Date of Decision:-30.08.2017

Balwinder Kaur

.....Petitioner.

Versus

Sukhdev Singh Notta

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. Kulwant Singh, Advocate for the respondent/
NRI landlord.

JASWANT SINGH, J.(ORAL)

The tenant has filed the present revision directed against order dated 01.7.2016 passed by the learned Rent Controller, Hoshiarpur, whereby leave to contest in the eviction petition filed by the NRI landlord-respondent under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (for short "1949 Act") for ejectment of the tenant from the demised house has been denied.

This Court while issuing notice of motion vide order dated 17.10.2016 had stayed the dispossession of the tenant from the demised premises subject to clearance of arrears of rent.

Subsequently, an application bearing CM No.17428-CII of 2017 was filed by the landlord seeking vacation of the interim stay granted on 17.10.2016 on the ground that the tenant has not been paying the rent as per the conditional stay order.

On the previous date of hearing, learned counsel for the tenant, on instructions, submitted that his clients were ready and willing to withdraw the present revision subject to grant of six months' time to vacate the premises.

Learned counsel for the landlord had accepted the proposal of the tenant.

Accordingly, the counsel for the tenant had prayed for an adjournment to file undertaking of the tenant in the above terms.

At the time of hearing today, an affidavit dated 29.8.2017 of Balwinder Kaur/tenant has been filed in Court, a copy of which has been furnished to the counsel opposite. Affidavit is taken on record as Mark-A. Relevant para Nos.5 to 8 of the same are reproduced as under:

“5.) That in pursuance of the above, it is submitted that deponent undertakes to withdraw her instant revision petition, in case six months time is granted to vacate the demised premises i.e residential house in question. The deponent undertakes that she will remain in possession of the premises from 01.09.2017 and she would hand over the vacant possession of the house on or before 28.02.2018. The deponent would hand over the vacant possession without any loss and damage being caused to the property.

6.) That the deponent further undertakes that she would clear the arrears of rent, if any, and would continue to deposit the agreed rent at the rate of Rs.800/- before 7th of every month.

7.) That the deponent further undertakes that during the above period of six months, she

would not create third party rights in respect of the house in question. The deponent would not further sublet the property to some third person.

8.) That the deponent would hand over the vacant possession of the demised premises on or before 28.02.2018 only to respondent or any other person authorized by him in this regard.”

Learned counsel for the respondent-landlord has no objection if the time to vacate the premises till 28.2.2018 is extended to the petitioner-tenant.

Accordingly, the present revision is dismissed as withdrawn, however, six months' time commencing w.e.f. 01.09.2017 is granted to the petitioner-tenant to vacate the demised residential house. He shall hand over actual physical vacant possession of the demised house on or before 28.2.2018. He shall clear all the arrears of rent and continue to deposit future rent before 7th of each calendar month at the rate of Rs.800/- per month. The tenant will also not create any third party rights or cause loss and damage to the demised house. Needless to say that the petitioner-tenant shall be bound by the aforesaid terms and any violation of the same 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 30, 2017
manoj

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>