

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

CR 6178/2017(O&M)

Date of decision:13.09.2017

Mohinder Singh

.....Petitioner

v.

Amrik Singh

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Sunil Garg,Advocate for the petitioner/tenant.

Jaswant Singh,J,(Oral).

Petitioner/tenant is in revision against the concurrent findings recorded by the Courts below whereby he has been evicted from the demised “shop” vide order dated 31.7.2014 passed by the learned Rent Controller,Phagwara and findings affirmed by learned Appellate Authority,Kapurthala vide order dated 4.5.2017, on the ground of “personal necessity”.

After arguing at length and having failed to convince the Court on merits, the learned counsel states that he would not press the instant petition provided some reasonable time is granted. It is submitted that commercial tenancy is 20 years old and petitioner is carrying out the business of repair job of cameras from the demised shop. Accordingly, prayer is made to grant reasonable time for the petitioner to shift his business to some other place and vacate the premises. It is further submitted that besides clearing the arrears of rent at the admitted rate of Rs.400/- per month, petitioner is also willing to pay future rent at the rate of Rs.1000/- per month for the the time so granted by this Court.

Prayer is reasonable and hence accepted.

In view of nature of the order being passed, it is not felt necessary to issue notice to the respondent/landlord so as to avoid delay in

the matter and to save him from unnecessary litigation expenses.

In view of the above, this petition is dismissed as not pressed, however, 15 months time commencing w.e.f. 01.10.2017 is granted to the petitioner-tenant for making alternative arrangement subject to his furnishing an undertaking on or before 30.9.2017 before the Court of learned Rent Controller, Phagwara, that he shall hand over actual physical vacant possession of the demised premises to the respondent/ landlord by 31.12.2018. The undertaking shall also state that the entire arrears of payable rent and taxes, if any, at the admitted rate of Rs.400/- per month have been cleared till 30.9.2017 and petitioner shall pay future rent @ Rs.1000/- per month w.e.f. 1.10.2017 to 31.12.2018, by 7th 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.

13.09.2017
joshi

(Jaswant Singh)
Judge

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