

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

CR 6364/2017(O&M)

Date of decision:19.09.2017

Subhash Chander

.....Petitioner

v.

Maheep Kaushik and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Chander Shekhar,Advocate for the petitioner/tenant

Mr.CL Sharma,Advocate for the caveator/landlord

Jaswant Singh,J,(Oral).

Petitioner/tenant is in revision against concurrent findings recorded by both the Courts below whereby he has been ordered to be evicted from the demised “shop”, House Tax No.661, Main Bazar,Kalka,Distt.Panchkula, by learned Rent Controller,Kalka vide order dated 15.5.2015 on the ground of non payment of rent, personal necessity of the landlord and demised shop being in a dilapidated condition and thus not fit for human habitation. The findings have been affirmed by the Appellate Authority,Panchkula vide order dated 13.7.2017.

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 to shift his business of pottery. It is submitted that tenancy is prior to 1984. 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.200/- per month, petitioner is also willing to pay future rent at the rate of Rs.400/- per month for the time, so granted by this Court.

Prayer is reasonable and hence accepted.

Upon notice, counsel for the caveator/landlord, upon instructions graciously states that he has no objection if the present petition is dismissed as not pressed and some reasonable time is granted to petitioner/tenant to vacate the demised shop.

In view of the above, this petition is dismissed as not pressed, however, one year's 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, Kalka, that he shall hand over actual physical vacant possession of the demised premises to the respondents/ landlords by 30.9.2018. The undertaking shall also state that the entire arrears of rent, if any, at the admitted rate of Rs.200/- per month have been cleared till 30.9.2017 and petitioner shall pay future rent @ Rs.400/- per month w.e.f. 1.10.2017 to 30.9.2018, by 7th of each calendar month. The occupancy of the demised shop, being declared as unfit and unsafe for human habitation, will be at the sole risk and responsibility of the petitioner/tenant.

Needless to say that any violation of the aforesaid 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.

19.09.2017
joshi

(Jaswant Singh)
Judge

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