

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

C.R. No. 6792 of 2013 (O & M)

Date of decision: 26.05.2017

Ramesh Kumar

...Petitioner(s)

Versus

Dalip Chand and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Vivek Aggarwal, Advocate,
for the petitioner.

Mr. Aakash Singla, Advocate,
for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The petitioner-tenant challenges the order of eviction which was passed on 17.11.2011 by the Rent Controller, Kaithal on the ground of personal necessity of Dalip Chand, the landlord. The said order was upheld by the Appellate Authority on 27.09.2013. Thereafter, the petitioner approached this Court and unfortunately, the landlord expired on 20.10.2015 and his legal representatives have been brought on record vide order dated 23.02.2017. Keeping in view the fact that the petitioner-tenant was only paying a sum of ₹120/- per month as rent and in view of the subsequent events, as the need as such no longer subsisted the matter was referred to the Mediation Centre.

With the help of the Mediators, the matter now stands settled and the report of the Mediator dated 29.03.2017 is on record wherein, the rent has been enhanced to ₹5,000/- per month with a clause of 5% annual increase and the fresh deed was to be executed on 07.04.2017. Various

terms and conditions are there in the settlement drawn up by the Mediator. It is to be further noticed that the parties have agreed not to dispute hereinafter in future and they have understood the contents of the agreement.

On the last date of hearing, the issue raised was that there was no electricity connection in the premises in question. Therefore, the aspect of providing of facilities was left out in the terms of the compromise.

Keeping in view the fact that the matter has substantially been settled, this Court is of the opinion that the present revision petition is liable to be allowed by incorporating the terms of the settlement inter se the parties who shall act upon the same. The time to act is further extended upto 31.08.2017 since electricity is a basic amenity which is to be made available, especially in a shop. The legal representatives of the respondents shall also give their consent to the installation of the electricity connection in the premises which can be applied for by the tenant and will be at his own costs. He will also bear the expenses of the electricity for the consumption and will be responsible for all arrears also. It is open to the legal representatives of Dalip Chand to apply in their name and have the electricity connection. However, the payment will be made by the tenant as long as the premises are in his occupation.

Petition stands disposed of in the above said terms.

26.05.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No