

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

**104+217**

**CR No.6629 of 2014 (O&M)**

**Date of decision: 19.05.2017**

M.K.Malhotra

....Petitioner

Versus

Rajan Tiwari

...Respondent

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

Present: None for the applicant/petitioner.

Mr.Animesh Sharma, Advocate, for the non-applicant/respondent.

**G.S. SANDHAWALIA, J. (Oral)**

In compliance of the order dated 05.04.2017, affidavit dated 29.04.2017 has been filed by the petitioner (Annexure P18-A), whereby he has undertaken to vacate the premises by 31.03.2018. It has been further deposed that he has already paid the rent upto December, 2014 to one Mr.N.P.Sharma and the rent for the month of December, 2014 was paid vide cheque No.393134 of Rs.5000/-, drawn on the State Bank of Patiala, Sector 38-C, Chandigarh and it was duly credited on the account of the said person. Similarly, it has been deposed that he has deposited the monthly rent @ Rs.5000/-, the details of which have been given in the affidavit. The petitioner has further undertaken that he would continue depositing the rent by the 7<sup>th</sup> day of each month before the Rent Controller.

Accordingly, CM-9640-CII-2017 is allowed, in view of the averments made, duly supported by an affidavit and same is taken on record. Office to tag the affidavit dated 29.04.2017, at appropriate place.

Counsel for the respondent does not have any objection to the said proposal, only to the extent that he can continue with the property, as undertaken.

**CR-6629-2014 (O&M)**

He, however, submits that arrears of rent from November, 2012 to November, 2014 have not been paid and he seeks to avail his remedy for recovery of the same. Similarly, he prays for permission that he may be given permission to withdraw the rent which has been deposited, as averred in the affidavit.

Accordingly, the present revision petition is disposed of, in terms of the undertaking given by the petitioner and liberty is given to the landlord, as requested above. It is made clear that the petitioner is bound down by the undertaking given and any violation of the same shall entail a right of possession to the respondent-landlord, through the Rent Controller, Chandigarh.

19.05.2017

*Sailesh*

**(G.S. SANDHAWALIA)**  
**JUDGE**

*Whether speaking/reasoned:*                      *Yes/No*

*Whether Reportable:*                              *Yes/No*