IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CR No.6875 of 2017(O&M)

Date of Decision:-14.11.2017

Gurdeep Singh.

.....Petitioner.

Versus

Smt. Chanan Kaur through legal representative Sharan Pal Singh Phul.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Manuj Nagrath, Advocate for the Petitioner (tenant).

Mr. Varun Sharma, Advocate for the respondent (landlord).

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JASWANT SINGH, J.(ORAL)

Petitioner (tenant) is in revision against the concurrent findings recorded by the Authorities below, whereby the tenant has been ordered to be evicted from the demised premises on the ground of "personal necessity" by the learned Rent Controller, Jalandhar vide order dated 31.10.2015 duly affirmed by learned Appellate Authority, Jalandhar vide judgment dated 02.08.2017.

Admitted facts are that the tenant is occupying the demised premises since 1995 wherein he is engaged in the business of selling "Number Plates". Learned Rent Controller, Jalandhar had determined rate of rent as Rs.2000/- and the arrears of rent till the date of eviction order passed by the learned Rent Controller stands deposited. The appellate Authority had ascertained the mesne profits at the rate of Rs.7,000/- per month, which also stands deposited till March 2017.

This Court vide order dated 10.10.2017 had issued notice of motion only on the restricted prayer for grant of reasonable time to vacate the premises in view of more than 20 years of commercial tenancy.

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At the time of hearing today, learned Counsel for the respondent (landlord) has agreed for grant of time to relocate till 31.03.2019 provided the tenant clears all the arrears of rent at the rate of Rs.7,000/- per month and withdraw the present revision petition.

In response, learned Counsel for the petitioner (tenant) accepts the aforesaid offer of the respondent (landlord).

In view of the aforesaid agreed stand, present revision petition is dismissed as withdrawn, however, 14 months time commencing w.e.f. 01.12.2017 is granted to the petitioner-tenant for making alternative arrangement subject to his furnishing an undertaking on or before 30.11.2017 before the Court of learned Rent Controller, Jalandhar, that he shall hand over actual physical vacant possession of the demised premises to the respondent/landlord by 31.03.2019. The undertaking shall also state that the entire arrears of rent, if any, at the rate of Rs.7,000/- per month have been cleared till date and petitioner shall continue to pay future rent at the said rate by 10th 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 petitioners-tenants making themselves liable in contempt proceedings.

(JASWANT SINGH)
JUDGE

November 14, 2017
Vinay

Whether speaking/reasoned	***Yes/No***
Whether Reportable	***Yes/No***

Vinay Mahajan
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