

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

Sr. No.110

C.R. No.6988 of 2017 (O&M)

Date of decision: 13.10.2017

Gurwinder Singh

....Petitioner

versus

Krishan Khillan and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Satinder Khanna, Advocate
for the petitioner.

Mr. Vikram Anand, Advocate
for respondent No.1.

* * *

DEEPAK SIBAL, J. (Oral)

Learned counsel for the petitioner after having argued the matter at length and having not received a favourable response from the Bench states that so far as the eviction of the petitioner is concerned he does not press the present petition. However, he contends that the Rent Controller, Kapurthala, could have not passed a money decree with regard to the arrears of rent found payable by the petitioner and that on finding the petitioner to be in arrears of rent all that could be ordered was the petitioner's eviction from the tenanted premises. It is further prayed that to make alternate arrangements, the petitioner, of course, subject to payment of further rent, be granted six months time to vacate the tenanted premises.

Mr. Vikram Anand, Advocate, who appears on behalf of the contesting respondent No.1, after conceding that no money decree could have been passed by the Rent Controller, Kapurthala, on instructions from his client, who is present in Court, submits that his client would not file any execution proceedings to recover the money in pursuance to the money decree passed by the Rent Controller, Kapurthala and that subject to the petitioner filing an affidavit in this regard, he be granted six months time to vacate the tenanted premises. He further seeks liberty to file a separate suit for the recovery of arrears of rent payable by the petitioner.

Learned counsel for the petitioner requests for taking up the matter in the post lunch session to enable the petitioner to file the required affidavit.

On the matter having been taken up in the post lunch session an affidavit of the petitioner through which he has undertaken to vacate the premises within six months has been filed. The same is ordered to be taken on record as Annexure Mark 'A' with a further direction that the petitioner shall remain bound by the terms of the affidavit and any violation of its terms would not only entitle the respondent No.1 to forthwith take possession of the tenanted premises, the petitioner would also be liable to be proceeded under the Contempt of Courts Act, 1971.

As far as the directions in the impugned orders with regard to recovery of arrears of rent are concerned, in view of the peculiar facts of the case which would include the above concession by learned counsel for the respondent No.1, without commenting on the merits of the matter and further to bring to an end the present litigation it is held that the same shall not bind the parties in the present litigation as also in the subsequent suit for

recovery, if any, to be filed by respondent No.1 for recovery for which he is granted liberty as prayed for.

Disposed of in the above terms.

No costs.

(DEEPAK SIBAL)
JUDGE

October 13, 2017

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No