

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

CR No.7202 of 2017(O&M)

Date of Decision:-29.11.2017

Pritam Singh.

.....Petitioner.

Versus

Bipin Brij.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Surinder Kaur, Advocate for the Petitioner (tenant).

Mr. Ashok Giri, Advocate for the respondent (landlord).

JASWANT SINGH, J.(ORAL)

Petitioner (tenant)-Pritam Singh is in revision against the concurrent findings recorded by the Authorities below, whereby he has been ordered to be evicted from the demised shop on the ground of “personal necessity” of the landlord by the Rent Controller, Jalandhar vide order dated 25.03.2015 duly affirmed vide judgment dated 7.9.2017 passed by the learned Appellate Authority Jalandhar.

It is not in dispute that Satnam Singh son of Pritam Singh who was impleaded as respondent no.2 by the landlord in the eviction petition was held to be an unnecessary party. It is also not in dispute that the learned Appellate Authority vide order dated 18.08.2016 had determined the mesne profit at the rate of Rs.6,000/- per month to be paid from the date of eviction

dispute that the tenant is operating a tailoring shop in the demised premises since the year 1964 and has cleared all arrears of rent at the rate of Rs.250/- per month till the date of eviction order passed by the Rent Controller. It is further not in dispute that the tenant had denied the relationship of landlord and tenant on the ground that he was inducted as a tenant by the father of the landlord and thus the landlord had not become the absolute owner. The stand of the landlord was that a mutation qua ownership of the demised shop has been entered in his favour on the basis of Will and a family settlement. The Rent Controller has noticed that admittedly the landlord being one of the legal heir had become a co-sharer/co-owner and thus a natural landlord.

At the time of hearing, after arguing at length and having failed to convince the Court on merits, the learned counsel for the petitioner on instructions from his client wishes to withdraw the present revision petition provided 1-1/2 years time may be granted to relocate subject to clearing all arrears of rent at the determined rate of mesne profit i.e. Rs.6000/- per month w.e.f. the date of eviction order dated 25.03.2015 passed by the Rent Controller.

Upon notice respondent (landlord) has put in appearance in person along with his counsel and has reluctantly agreed to the aforesaid proposal made on behalf of the Petitioner (tenant).

In view of the aforesaid agreed stand, this petition is dismissed as withdrawn, however, one and a half years time (1-1/2 years) commencing w.e.f. 01.12.2018 is granted to the petitioner-tenant for making alternative arrangement subject to his furnishing an undertaking on or before 20.01.2018 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 31.05.2019. The undertaking shall also state that he has cleared all arrears of rent/mesne profit at the rate of Rs.6,000/- per month payable w.e.f. 25.03.2015 till 31.01.2018 and continue to pay future rent at the rate of Rs.6,000/- per month 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 29, 2017
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>