

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 111

CR-7219-2017 (O&M)
Decided on : 19.12.2017

Kundan Lal Sharma

..... Petitioner

VERSUS

Ashok Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.N.S.Gill, Advocate, for
Mr.Munish Gupta, Advocate, for the petitioner.

Mr.Rajeev Kapila, Advocate, for the respondent.

. . .

DEEPAK SIBAL, J. (ORAL)

Affidavit of the petitioner dated 18.12.2017 filed in Court today,
is ordered to be taken on record as Annexure Mark 'A'.

The respondent-landlord had filed a petition under Section 13 of the East Punjab Rent Restriction Act, 1949, seeking therein the eviction of the petitioner-tenant from one shop, shown in red in the site plan attached with the petition (for short the “tenanted premises”). The Rent Controller, Mukerian, through order dated 23.08.2016, directed the petitioner's eviction from the tenanted premises. The above order passed by the Rent Controller, Mukerian, was challenged by the petitioner by way of an appeal filed before the Appellate Authority, Hoshiarpur, which through order dated 24.04.2017 was dismissed. It is in these circumstances that the petitioner has approached this Court through the present petition.

On 22.11.2017, after arguing the matter at length but having not received a favourable response from the Bench, learned counsel for the petitioner had submitted that he does not wish to pursue the matter on merits.

However, on the ground that the petitioner had been a tenant in the tenanted

premises for the last about 35 years and was an old man of 77 years, he prayed that the petitioner be granted reasonable time to vacate the tenanted premises to make alternate arrangements.

On the above alternate prayer only, notice was issued to the respondent, in response to which Mr.Rajeev Kapila, Advocate, had put in appearance and submitted that he has express instructions from his client that the petitioner could be permitted to occupy the tenanted premises for one year, subject to the petitioner filing an affidavit before this Court to the effect that he would vacate the tenanted premises on or before 31.12.2018 and further would clear all arrears of rent as also pay rent in the future for the period he occupies the tenanted premises.

The required affidavit has been filed by the petitioner in Court today, which has already been taken on record as Annexure Mark 'A'.

In view of the above, the petitioner is permitted to occupy the tenanted premises till 31.12.2018 and resultantly he shall hand over the vacant possession of the same on or before 31.12.2018, of course, subject to clearing all arrears of rent within one month from today as also payment of advance rent by 7th of each month for the period he occupies the tenanted premises.

It is further directed that the petitioner shall remain bound by the affidavit filed by him in Court today (Annexure Mark 'A') and any violation of the same would entitle the respondent to not only seek forthwith possession of the tenanted premises but also to initiate against the petitioner proceedings under the Contempt of Courts Act, 1971.

The petition is dismissed in the above terms.

19.12.2017
shamsher

Whether speaking/reasoned :
Whether reportable :

[DEEPAK SIBAL]
JUDGE

Yes / No
Yes / No