

124.

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

Civil Revision-754-2017 (O&M)

Date of decision:03.04.2017

GURPREET SINGH

... Petitioner

versus

SHINDER PAL KAUR

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Jain, Advocate,
for the petitioner.

Mr. Arun Bansal, Advocate,
for the respondent.

HARI PAL VERMA, J. (Oral)

Petitioner, who is a tenant in the demised shop measuring 9' x 30' which is a part of building bearing MC No.3127 (Old) and 6816 (New), G.T. Road, Opposite District Courts, Bathinda, has filed the present revision petition against the judgment dated 09.12.2016 passed by learned Appellate Authority, Bathinda (under the East Punjab Urban Rent Restriction Act), whereby his appeal against the judgment dated 16.10.2015 passed by learned Rent Controller, Bathinda, was dismissed.

While issuing notice of motion on 06.02.2017, this Court passed the following order:-

“Learned senior counsel for the petitioner states
though two shops i.e. one owned by respondent

Shinder Pal Kaur and the other by her husband, namely, Sukhdev Singh are lying vacant and are not being used by the owners, however, in case reasonable time of about 1½ year is granted to the petitioner, he is ready to vacate the premises in dispute.

Notice of motion, limited to the aforesaid extent, for 03.04.2017.

Dasti only.

Dispossession of the petitioner from the premises in dispute shall remain stayed till the next date of hearing. However, the petitioner shall continue to pay the admitted rent of the premises in dispute to the respondent-landlady on or before the 7th day of each calendar month in advance.

To be shown in the urgent list.”

Learned counsel for the petitioner (in terms of order dated 06.02.2017), on instructions from his client-petitioner, who is present in court, undertakes that the petitioner is ready to vacate the shop, in question, on or before 31.03.2018. He further states that in the connected revision petition i.e. CR-8924-2015 titled as 'Gurpreet Singh Versus Shinder Pal Kaur', which is otherwise pending before a Coordinate Bench, this Court has fixed mesne profits @ ₹15,000/- per month for the same shop. Therefore, the petitioner undertakes to pay the mesne profits @ ₹15,000/- per month and to vacate the shop, in question, on or before 31.03.2018. Petitioner shall continue to pay mesne profits @ ₹15,000/- every month.

Mr. Bansal, learned counsel for the respondent-landlord, accepts this offer. However, he states that the petitioner should submit an affidavit before the Rent Controller, Bathinda enumerating therein that he shall pay the mesne profits @ ₹15,000/- by 7th of each calendar month and shall vacate the same on or before 31.03.2018.

In view of above, since the parties are *ad idem*, the present petition stands dismissed as withdrawn.

The petitioner shall submit an affidavit before the Rent Controller within 2 weeks from today that he will vacate the premises on or before 31.03.2018 and shall hand over the vacant physical possession of the shop, in question, with all fixtures, if any. He will continue to pay the mesne profits @ ₹15,000/- per month and the arrears of mesne profits, if outstanding, shall be paid at the time of furnishing the undertaking before the Rent Controller.

It is made clear that in case the petitioner commits any default in paying the mesne profits, the present petition would be deemed to have been dismissed.

(HARI PAL VERMA)
JUDGE

03.04.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No