

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

**CR 7549/2017
Date of decision:04.12.2017**

Harbans Lal and another

.....Petitioner

v.

Harjinder Singh

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Dhirinder Chopra,Advocate for the petitioner/tenant

Jaswant Singh,J,(Oral).

Tenant is in revision directed against two separate orders dated 1.8.2017 passed by the Rent Controller, Bagha Purana, Distt.Moga whereby his application for treating the eviction petition filed under Section 13-B to be under Section 13 of the East Punjab Urban Rent Restriction Act,1949 (for short the 1949 Act) has been dismissed and his eviction ordered for not filing leave to contest within the stipulated time.

Admittedly, the eviction petition has been filed under Section 13-B of the 1949 Act by the NRI Landlord however, inadvertently the summons were not issued by adopting the special procedure provided under Section 18-A of 1949 Act thereby misleading the tenant. It, however, is not disputed that after the appearance of the tenant through his counsel on 12.3.2015 written statement was filed to the petition under Section 13-B without filing the leave to contest within the stipulated time from the date of

first appearance before the Court. Non-filing of the leave to contest has led to the passing of eviction order.

After arguing at length and having failed to convince the Court on merits, the learned counsel states that he would not press the instant petition provided some reasonable time is granted. It is submitted that commercial tenancy is since the year 1975. Accordingly, prayer is made to grant 1-1/2 years' time for the petitioner to shift his business to some other place and vacate the premises. It is further submitted that besides clearing the arrears of rent at the admitted rate of Rs.6000/- per month, petitioner is also willing to pay/deposit future rent at the rate of Rs.8000/- per month for the the period of 1-1/2 years, so granted by this Court.

Prayer is reasonable and hence accepted.

In view of nature of the order being passed, it is not felt necessary to issue notice to the respondent/landlord so as to avoid delay in the matter and to save them from unnecessary litigation expenses.

In view of the above, this petition is dismissed as not pressed, however, 1-1/2 years time commencing w.e.f. 01.01.2018 is granted to the petitioner-tenant for making alternative arrangement subject to his furnishing an undertaking on or before 5.1.2018 before the Court of learned Rent Controller, Bagha Purana, Distt.Moga, that he shall hand over actual physical vacant possession of the demised premises to the respondent/landlords by 30.06.2019. The undertaking shall also state that the entire arrears of rent, if any, at the admitted rate of Rs.6000/- per month have been cleared till 31.12.2017 and petitioner shall pay/deposit future rent @ Rs.8000/- per month w.e.f. 1.1.2018 to 30.6.2019, 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 petitioner-tenant making himself liable in contempt proceedings.

04.12.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No