

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

**CR No.7554 of 2017 (O&M)
Date of Decision: November 14, 2017**

Moti Lal

..... Petitioner

Versus

Sadhu Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J. K. Khetarpal, Advocate
for the petitioner.

Mr. Varun Dhawan, Advocate for
Mr. K. R. Dhawan, Advocate
for the caveator/respondent.

DEEPAK SIBAL J. (ORAL)

Respondent No.1-landlord had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking therein the eviction of the petitioner-tenant from two shops forming part of property bearing No.B-XXX-1543 Old and B-XXX-4203 New as described in the head note of the petition (for short the 'tenanted premises'). The Rent Controller, Ludhiana, through order dated 03.12.2013, directed the petitioner's eviction from the tenanted premises. Since the eviction order was *ex parte*, the petitioner-tenant through an application filed under Order 9 Rule 13 read with Section 151 of the CPC sought the setting aside of the same, which through order dated 09.09.2017 was dismissed.

Laying the challenge to the *ex parte* order dated 03.12.2013 as also to the order dated 09.09.2017, the present petition was preferred before this Court. On November 06, 2017, it had been stated by learned

counsel for the petitioner that he did not intend to challenge the impugned orders on merits. However, he prayed that the petitioner be granted six months time to vacate the tenanted premises to make alternate arrangements.

Learned counsel appearing on behalf of the caveator/respondent had submitted that he has express instructions from the respondent that the petitioner may be permitted to possess the tenanted premises for six months, of course, subject to his filing an affidavit that he would vacate the tenanted premises within six months. Learned counsel for the caveator/respondent had further submitted that the caveator/respondent would neither claim any arrears of rent from the petitioner nor any future rent for the period of six months that he may occupy the tenanted premises.

In terms of the agreement between the parties, learned counsel for the petitioner has filed in Court an affidavit of the petitioner which is ordered to be taken on record as Annexure Mark 'A'. In this affidavit, the petitioner has undertaken to vacate and hand over the vacant physical possession of the tenanted premises to the respondent-Sadhu Singh within six months from the date of disposal of the present petition.

In view of the above, the petitioner is permitted to occupy the tenanted premises for a period of six months from today. As agreed by the caveator/respondent, he shall neither claim arrears of rent from the petitioner nor any future rent for the afore-referred period of six months that the petitioner 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 caveator/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.

(DEEPAK SIBAL)
JUDGE

November 14, 2017

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No