

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

Sr. No.112

C.R. No.7733 of 2017 (O&M)

Date of decision: 19.12.2017

Chanan Singh

....Petitioner

versus

Brigadier Surinder Pal Singh (since deceased) through his LRs and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Aman Bahri, Advocate, Advocate
for respondents No.1(i), (ii) and (iii).

* * *

DEEPAK SIBAL, J. (Oral)

Affidavit of the petitioner dated 16.12.2017 filed in Court today, is ordered to be taken on record as Annexure Mark 'A'.

The respondents-landlords 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 one shop, fully detailed and described in the head note of the petition (for short the 'tenanted premises'). The Rent Controller, Faridkot, through order dated 25.01.2013, dismissed the eviction petition filed by the respondents qua the petitioner. The order

passed by the Rent Controller, Faridkot, was challenged by the respondents-landlords by way of an appeal before the Appellate Authority, Faridkot, which through order dated 01.08.2017 was allowed, resulting, in the passing of the ejectment order against the petitioner. It is in these circumstances that the petitioner has approached this Court through the present petition.

On 04.12.2017, 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 did not wish to press the present petition on merits. However, since the petitioner had been a tenant in the tenanted premises for about 60 years, he prayed that he may be granted two years time to vacate the tenanted premises to make alternate arrangements.

On the above alternate prayer only notice was issued to the respondents, in response to which earlier Mr. Raghav Talwar, Advocate and then Mr. Aman Bahri, Advocate, had put in appearance and submitted that they had express instructions from their clients that the petitioner could be permitted to possess the tenanted premises till 31.12.2018 subject to his filing an affidavit in this Court to the effect that on or before 31.12.2018 he would hand over the vacant possession of the tenanted premises to the respondents-landlords; clear all arrears of rent and pay future rent 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, of course, subject to clearing of 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 respondents 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

December 19, 2017

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No