

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

Sr. No.113

C.R. No.7862 of 2017 (O&M)

Date of decision: 04.12.2017

Sudhir Nayyar

....Petitioner

versus

Chiranjeev Kumar Chunni and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. APS Mann, Advocate
for the petitioner.

Mr. R.S. Bajaj, Advocate
for the respondents.

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DEEPAK SIBAL, J. (Oral)

Affidavit of the petitioner dated 30.11.2017 filed in Court today, is ordered to be taken on record as Annexure Mark 'A'.

The respondent-landlords had filed a petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973, seeking therein the eviction of the petitioner-tenant from one shop, fully detailed and described in the head note of the petition, situated in Krishna Colony, Workshop Road, near ITI Chowk, Yamun Nagar (for short the 'tenanted premises'). The Rent Controller, Jagadhri, through order dated 17.12.2014, directed the petitioner's eviction from the tenanted premises. The above

order passed by the Rent Controller, Jagadhri, was challenged by the petitioner by way of an appeal before the Appellate Authority, Yamuna Nagar, which through order dated 18.09.2017 was dismissed. It is in these circumstances that the petitioner has approached this Court through the present petition.

On 14.11.2017, after arguing the matter at length but having not received a favourable response from the Bench, learned counsel for the petitioner submitted that he does not want to pursue the matter on merits. However, he prayed that since the petitioner was a tenant with the respondents since long and is a poor Dhaba owner, he may be granted six months to vacate the tenanted premises to make alternate arrangements.

On the above prayer notice was issued to the respondents, in response to which on 21.11.2017 Mr. R.S. Bajaj, Advocate, put in appearance and submitted that he has express instructions from his client that the petitioner could be permitted to possess the tenanted premises for six months subject to his filing an affidavit in this Court to the effect that after the period of six months he would hand over the vacant possession of the tenanted premises to the respondents, of course subject to clearing all arrears of rent as also payment of 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 for a period of six months from 29.11.2017, 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 04, 2017

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No