

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

**Civil Revision No.8342 of 2015 (O&M)
Date of Decision: 17.11.2017**

M/s Jain Traders, Old Grain Market, Malerkotla
through its Partner-Pawan Kumar Jain (since deceased)
through his LRs-Rishav Jain and others

..... Petitioners

Versus

Kewal Krishan Jindal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sunny K. Singla, Advocate for the petitioners-tenants.

JASWANT SINGH, J. (ORAL)

The tenants are in revision directed against the concurrent judgments passed by both the Authorities below, whereby the tenants have been evicted on the ground of personal necessity of the landlord(s) for opening a “*Kiryana Shop*”, vide order dated 14.06.2011, passed by learned Rent Controller, Malerkotla; and the findings thereof duly affirmed by learned Appellate Authority, Sangrur, vide order dated 04.08.2015.

The eviction petition was filed by the respondent(s)/landlord(s) on the grounds of non-payment of arrears of rent at the rate of Rs.1100/- per month w.e.f. 12.05.1999 up till the date of filing of the eviction petition i.e. 31.12.2004 along with House Tax etc.; and on the ground of personal necessity for opening a *Kiryana Shop*.

Learned Counsel for the petitioners, on instructions, submits that the arrears of rent, after the eviction decree, stand deposited till 31.12.2015.

After having argued at length and failed to convince the Court on merit, learned Counsel for the petitioners, on instructions, submits that his clients would withdraw the present revision provided three months' time is granted to the

petitioners to relocate and shift the articles from the said *Kiryana Shop*, being operated in the demised premises since last 21 years. They also undertake to clear all arrears of rent within two weeks from today. An affidavit dated 17.11.2017 of Sh. Kashish Jain on behalf of the petitioners to the said effect has been filed in Court, the same is taken on record.

The prayer is reasonable and, therefore, is accepted.

In view of the above, the present petition is dismissed as withdrawn, however, three months' time w.e.f. 01.12.2017 is granted to the tenants to relocate and to hand over actual physical vacant possession of the demised premises to the landlord(s). The tenant(s) shall file an affidavit before the Court of learned Rent Controller/Executing Court concerned by 30.11.2017 stating that they have cleared all arrears of rent at the rate of Rs.1100/- per month payable till 30.11.2017 along with House Tax etc. The undertaking shall also state that they will, over and above, pay the future rent in advance at the rate of Rs.5500/- per month by 10th of each calendar month for the aforesaid period of three months i.e. w.e.f. 01.12.2017 to 28.02.2018 granted to the tenants to relocate.

Needless to say that any violation of the aforesaid terms shall entitle the landlord(s) to seek the eviction of the tenant(s) forthwith with police help, if necessary without recourse to any other remedy besides the petitioners-tenants making themselves liable in contempt proceedings.

Since the main petition stands dismissed as withdrawn, the pending applications, if any, shall also stand disposed of.

November 17, 2017

Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>