

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

CR No.8227 of 2017 (O&M)

Date of Decision: December 13, 2017

Surinder Pal Singh

..... Petitioner

Versus

Charanjit Kaur (deceased) through LRs

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gagandeep Singh Virk, Advocate for
Mr. Ajaivir Singh, Advocate
for the petitioner.

Mr. T. S. Khaira, Advocate
for the respondents.

DEEPAK SIBAL J. (ORAL)

CM No.26686-CII of 2017

Through this application, affidavit of the petitioner dated 10.12.2017, in terms of the order of this Court dated 07.12.2017, is sought to be placed on the record.

Allowed as prayed for.

CM stands disposed of.

CR No.8227 of 2017 (O&M)

The respondent-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 cabins on the first floor of SCF No.10, Phase VII, Mohali (for short 'the tenanted premises'). The Rent Controller, SAS Nagar, Mohali through order dated 24.11.2015 directed the petitioner's eviction from the tenanted premises. The above order

passed by the Rent Controller was challenged by the petitioner by way of an appeal before the Appellate Authority, SAS Nagar, Mohali which through order dated 06.11.2017 was dismissed. In these circumstances, the petitioner has approached this Court through the present petition.

On 28.11.2017, after arguing the matter at length but having received no favourable response from the Bench, learned counsel for the petitioner submitted that he did not want to pursue the present petition on merits. However, he prayed that since the petitioner is a tenant with the respondents since long, he be granted two years time to vacate the tenanted premises to make alternate arrangements.

On the above alternate prayer made by learned counsel for the petitioner, notice was issued to the respondent in response to which, Mr. T. S. Khaira, Advocate has put in appearance on 07.12.2017 and submitted that he had express instructions from his clients that the petitioner can be permitted to possess the tenanted premises only till 31.12.2018 subject to his filing an affidavit before this Court to the effect that within a period of one year, he would hand-over the vacant possession of the tenanted premises to the respondents of course, subject to clearing all arrears of rent/mesne profits as also payment of future rent for the period that he occupies the tenanted premises.

The required affidavit, in terms of the submissions made by learned counsel for the respondent on behalf of his clients, has been filed by the petitioner, which has already been taken on record.

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/mesne profits within one month from today as also payment

of advance rent by 7th of each month for the period that he occupies the tenanted premises in future. It is further directed that the petitioner shall remain bound by the affidavit filed by him 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 13, 2017

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No