

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 109

CR-8490-2017 (O&M)

Decided on : 12.12.2017

Ramesh Kumar @ Kaka

..... Petitioner

VERSUS

Rakesh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Prabhjot S.Waraich, Advocate, for the petitioner.

Mr.Rimple Sani, Advocate, for the respondent.

. . .

DEEPAK SIBAL, J. (ORAL)

Affidavit of the petitioner dated 12.12.2017 filed in Court today,
is ordered to be taken on record as Annexure Mark 'A'.

The respondent-landlord had filed a petition under Section 13 of the East Punjab Rent Restriction Act, 1949 (for short the 'Act'), seeking therein the eviction of the petitioner-tenant from one shop, fully shown in the site plan in pink colour attached with the petition (for short the “tenanted premises”). The Rent Controller, Batala, through order dated 21.01.2015, directed the petitioner's eviction from the tenanted premises. The above order passed by the Rent Controller, Batala, was challenged by the petitioner by way of an appeal filed before the Appellate Authority, Gurdaspur, which through order dated 12.10.2017 was dismissed. It is in these circumstances that the petitioner has approached this Court through the present petition.

On 05.12.2017, 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 does not wish to pursue the matter on merits.

However, he prayed that the petitioner be granted eight months time to vacate

the tenanted premises to make alternate arrangements.

On the above prayer notice was issued to the respondent, in response to which Mr.Rimple Saini, Advocate, who was on caveat, had submitted that he has express instructions from his client that the petitioner be permitted to occupy the tenanted premises for eight months subject to the petitioner filing an affidavit in this Court to the effect that after the period of eight months he would hand over the vacant possession of the tenanted premises to the respondent; would clear all arrears of rent and mesne profits and shall pay the agreed rent between the parties in advance for the period he occupies the tenanted premises in future.

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 eight months and resultantly he shall hand over the vacant possession of the same on or before 31.07.2018, of course, subject to clearing all arrears of rent within one month from today as also payment of advance rent 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 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.

12.12.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No