

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

Civil Revision No. 8714 of 2017 (O&M)

Date of decision: 13.12.2017

Vikram Singh

.....Petitioner

Versus

Randhir and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mrs. Anupama Sharma, Advocate for the petitioner-tenant.

JASWANT SINGH, J. (ORAL)

Petitioner/tenant is in revision directed against the concurrent findings recorded by both the Authorities below, whereby eviction petition filed by the respondent/landlord was decreed in his favour by the Rent Controller, Hodal, vide order dated 24.09.2015 and the findings affirmed in appeal by the Appellate Authority, Palwal vide order dated 31.10.2017, whereby the tenant(s) have been ordered to be evicted from the demised Shop No.418, measuring 15' x 8', situated near Charan Singh Chowk at G.T. Road, Hodal on the ground of personal *bona fide* necessity of the landlord to make a big godown for storing and purchasing grains.

After arguing at length and having failed to convince the Court on merits, learned Counsel states that she would withdraw the instant petition provided some reasonable time is granted to the petitioner-tenant.

It is submitted that tenancy is of the year 1995 and the petitioner is engaged in the business of manufacturing railings, shutters, doors and welding etc. Accordingly, prayer is made to grant some reasonable time for the petitioner to shift his business to some other place and vacate the premises. It is further submitted that the petitioner has cleared all arrears of rent at the rate of Rs.2,000/- per month till the date of eviction order dated 24.09.2015, passed by learned Rent Controller, Hodal,

and also paid mesne profits at the rate of Rs.4500/- per month for the periods during the pendency of the appeal before learned Appellate Authority, Palwal. It is, however, conceded that there are certain arrears of mesne profits.

Prayer is reasonable and hence accepted.

In view of nature of the order being passed, it is not felt necessary to issue notice to contesting respondent No.1/landlord so as to avoid delay in the matter and to save him from unnecessary litigation expenses.

In view of the above, this petition is dismissed as withdrawn, however, keeping in view the almost 22 years of tenancy, one year's time commencing w.e.f. 01.01.2018 is granted to the petitioner-tenant for making alternative arrangement subject to his furnishing an undertaking on or before 06.01.2018 before the Court of learned Rent Controller, Hodal, that he has cleared all arrears of rent at the rate of Rs.4500/- per month from the date of eviction order, passed by learned Rent Controller, Hodal and payable till 31.12.2017. The undertaking shall also state that he shall hand over actual physical vacant possession of the demised premises to the respondent/landlord by 31.12.2018. The undertaking shall also state that the petitioner shall pay future rent @ Rs.4500/- per month w.e.f. 01.01.2018 to 31.12.2018, by 10th of each calendar month.

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

December 13, 2017

Gagan

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No