

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

CR 8841/2017 (O&M)
Date of decision:15.12.2017

Joginder Kumar

.....Petitioner

v.

Rama Devi and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Lalit Rishi,Advocate for the petitioner/tenant

Jaswant Singh,J,(Oral).

Since there is delay of 7 days in filing instant revision, an application under Section 5 of the Limitation Act has been filed seeking condonation of said delay. The application is supported by an affidavit of petitioner/tenant.

For the reasons stated in the application, cause shown is sufficient, hence insignificant delay of 7 days in filing the revision petition is condoned.

Main case.

Petitioner/tenant is in revision against eviction order dated 4.9.2017 passed by the Appellate Authority,Karnal whereby he has been ordered to be evicted from the half portion (on Ist Floor) of demised shop No.13 situated in Subhash Market,Karnal on the ground of “bonafide need” while reversing the order dated 29.1.2015 passed by Rent Controller, Karnal.

After arguing at length and having failed to convince the Court

on merits, the learned counsel states that he would not press the instant petition provided some reasonable time is granted. It is submitted that commercial tenancy is since 1986 and petitioner is running a tailor shop from the demised premises. Accordingly, prayer is made to grant reasonable time for the petitioner to shift his business to some other place and vacate the premises. It is further submitted that besides clearing the arrears of rent at the admitted rate of Rs.500/- per month, petitioner is also willing to pay future rent at the rate of Rs.750/- per month for the time so granted by this Court. It is further submitted that this Court has already granted 2-1/2 years' time to another co-tenant namely Mohinder Kumar in CR 7465/2017 decided on 27.11.2017.

Prayer is reasonable and hence accepted.

In view of nature of the order being passed, it is not felt necessary to issue notice to the respondents/landlords so as to avoid delay in the matter and to save them from unnecessary litigation expenses.

In view of the above, this petition is dismissed as not pressed, however, two years and five months' 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 10.1.2018 before the Court of learned Rent Controller concerned, that he shall hand over actual, physical and vacant possession of the demised premises to the respondent/ landlord by 30.05.2020. The undertaking shall also state that the entire arrears of rent, if any, at the admitted rate of Rs.500/- per month have been cleared till 31.12.2017 and petitioner shall pay future rent @ Rs.750/- per month by 10th of each calendar month.

Needless to say that any violation of the aforesaid terms shall

entitle the landlords to seek his eviction forthwith with police help, if necessary without recourse to any other remedy besides the petitioner-tenant making himself liable in contempt proceedings.

15.12.2017
joshi

(Jaswant Singh)
Judge

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