

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 767 of 2018

1. Durgesh Chouhan S/o S.L. Chouhan Aged About 28 Years R/o Shubham Vihar, In Front Of Pooja Grocery Store, Om Zone Road, Mangla, Bilaspur, Tehsil And District Bilaspur Chhattisgarh
2. Smt. Savita Chouhan D/o S.L. Chouhan Aged About 40 Years R/o Shubham Vihar, In Front Of Pooja Grocery Store, Om Zone Road, Mangla, Bilaspur, Tehsil And District Bilaspur Chhattisgarh

---- **Petitioners**

Versus

- Vijay Dubey S/o R.K. Dubey Aged About 34 Years R/o J.P. Vihar Mangla, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- **Respondent**

For petitioners : Shri Manoj Paranjpe, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

08.10.2018

1. Heard learned counsel for the petitioner.
2. After all the arguments made, and then realising the futility of it all, keeping in mind the clear findings of fact and law which are concurrent in nature, an affidavit has been filed on behalf of Shri Durgesh Chouhan, S/o SL Chouhan, one of the petitioners that he undertakes to vacate the property in question and hand over the peaceful possession thereof to the respondent/ landlord on 31.12.2018.
3. He has also undertaken to pay the total outstanding amount of arrears of rent before he vacates the premises in three equal instalments. According to him, the total rent in terms of the adjudication made by the

Rent Control Authorities works out to Rs.2,52,000/- till 31.12.2018. This calculation is verifiable by the landlord.

4. However, keeping the said amount to be the tentative amount of outstanding arrears of rent, the petitioner is directed to pay the first instalment of Rs.84,000/- to the landlord by 15.10.2018. The second instalment will be paid by 15.11.2018 and the final instalment by 15.12.2018. The property in question thereafter, will be handed over peacefully to the landlord positively on or before 31.12.2018. All these payments will be made by demand draft.

5. In view of the undertakings recorded as above, for humanitarian reasons, the writ application stands disposed off with a clear understanding that the petitioners shall not breach any of the undertakings or they will be liable for contempt.

6. The Court grants liberty to the landlord to file an application in case any breach is committed by the petitioners in compliance, so that appropriate action can be taken.

7. The writ application stands disposed off.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge