

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

CR-1183-2017 (O&M)
Date of decision: 28.02.2018

ABDUL RAHIM

... Petitioner

Versus

LALIT KUMAR

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. R.S. Chauhan, Advocate
for the petitioner.

Mr. G.C. Shahpuri, Advocate
for the respondent.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against consistent findings recorded by the Courts below whereby application for ejectment filed under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (in short 'the Act') by the respondent/landlord was allowed by the Rent Controller vide order dated 31.10.2013 and the order passed by the Rent Controller was affirmed in appeal by the Appellate Authority, Yamuna Nagar at Jagadhri.

On 14.03.2017, notice of motion was issued to the limited extent. A relevant extract from the order reads as under:-

*“Counsel for the petitioner has filed the affidavit of
the petitioner, whereby he has sought time to continuing in*

premises till 31.08.2018 and undertaken to hand over the vacant possession by the said date and further undertaken to pay the agreed rent. The affidavit is taken on record.

Notice of motion only for the said purpose to the respondent for 26.07.2017.

In the meantime, dispossession shall remain stayed, subject to clearance all arrears of rent by 30.04.2017. The further rent shall also be paid by 7th of each month before the Rent Controller.

Any violation of the abovesaid directions, will lead to the automatic vacation of the stay granted.”

Counsel for the petitioner would state that the petitioner has already cleared arrears of rent and paid rent upto 31.03.2018 by way of deposit with the Rent Controller on 27.02.2018 and the said rent pertains to the months of January to March, 2018.

Counsel for the respondent, on the contrary, has disputed that the petitioner has either cleared arrears of rent or deposited rent upto 31.03.2018 on 27.02.2018. He has further submitted that even if plea of the petitioner is accepted that he deposited rent for the months of January to March, 2018 on 27.02.2018, he has not deposited the further rent by 7th of each month before the Rent Controller. In addition, it is argued that as the petitioner has already enjoyed premises for a period of about one year after decision of appeal, he may be directed to handover vacant possession of the premises in question on or before 31.03.2018.

Counsel for the petitioner prays for time upto 31.08.2018 to handover vacant possession of the demised premises to the

respondent/landlord.

Perusal of the records would reveal that application for eviction culminated in eviction order on 31.10.2013. The appeal preferred by the petitioner was decided on 11.11.2016. The petitioner has already enjoyed the premises since 11.11.2016, despite the Courts having found substance in the application for eviction filed by the respondent/landlord. Under the circumstances, the present petition stands disposed of subject to following conditions:-

1. The petitioner shall handover vacant possession of the demised premises to the respondent on or before 30.04.2018.
2. He shall furnish an undertaking before the Rent Controller within a period of 15 days from the receipt of certified copy of the order that he will handover vacant possession to the respondent on or before 30.04.2018.
3. The petitioner shall clear arrears of rent till 30.04.2018 on or before 31.03.2018, failing which the respondent shall be at liberty to execute the eviction order forthwith.

28.02.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No