

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 151 of 2018

Date of decision:- 12.01.2018

Purshotam Dass

...Petitioner

Versus

Barjinder Singh

...Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. H.S.Jalal, Advocate,
for the petitioner.

RITU BAHRI J. (Oral)

Petitioner (tenant)-Purshotam Dass has filed the present civil revision against the findings recorded by Ld. Rent Controller, Jagraon and the Appellate Authority, Ludhiana, vide orders dated 06.01.2017 and 10.11.2017, respectively, whereby he has been ordered to be evicted from the demised premises i.e. shop bearing MCR No. 540/1, situated in the area opposite HDFC Bank, Ludhiana Road, Raikot, Distt. Ludhiana on ground of "personal necessity", as well as on the ground that "the demised premises is unfit, unsafe for human habitation and is in dilapidated condition."

A perusal of the impugned order(s) show that the landlord (respondent herein) wanted to get the shop vacated on two grounds i.e. (i) for settling the business of his son in the shop and, (ii) the building is unfit, unsafe for human habitation and is in dilapidated condition. This fact has been proved by Arvinder Kumar, Engineer (PW-1) vide his report Ex. P3 and photographs Ex. P4 to P17, showing that the demised shop required renovation.

It is also not in dispute that the tenancy is since the year of 1984.

It is further submitted that petitioner (tenant) is running the business of auto repair/parts since 01.01.1985 in the demised premises.

After arguing at length and having failed to convince the court on merits, learned counsel for the petitioner (tenant) wishes to withdraw the present revision petition provided some reasonable time may be granted to relocate subject in order to clear all the arrears of rent at the determined rate of rent.

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

The prayer being reasonable, is accepted.

Accordingly, this petition is dismissed as withdrawn, however, six months' time commencing w.e.f. 12.01.2018 is granted to the petitioner-tenant for making alternative arrangement, subject to his furnishing an undertaking on or before 30.01.2018 before the court of learned Rent Controller, Jargaon that he shall hand over actual physical vacant possession of the demise premises (shop) to the respondent/landlord by 13.07.2018. The undertaking shall also state that he has cleared all arrears of rent and shall continue to pay future rent at the rate of Rs. 4000/- per month by 10th of each calendar month.

Needless to say that any violation of the aforesaid terms shall entitle the landlord 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.

12.01.2018

Riya Grover/ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable : No