

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

CR 2104 of 2017 (O&M)
Date of decision: 14.11.2018

Shiv Kumar

.....*Petitioner*

versus

Amit Kumar Garg and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. N S Rapri, Advocate
for the petitioner

Mr. Dalal Singh, Advocate
for applicant/respondent No. 1

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Rekha Mittal, J. (Oral)

CM 1336 CII of 2018

Counsel for applicant/respondent No. 1 would state that in case the non-applicant/petitioner is ready to argue the main case, he does not press the application for assessment of *mesne* profits.

Disposed of accordingly.

Main case

The present petition directs challenge against order dated 30.01.2017 passed by the Appellate Authority, Kurukshetra whereby the appeal preferred by respondent/landlord against order dated 27.08.2015 passed by the Rent Controller, Kurukshethra, dismissing the application for eviction, was allowed and the petitioner and his co-respondent before the Rent Controller were ordered to be evicted on the ground of bona fide

personal requirement of the respondent/landlord. The petitioner/tenant and respondent No. 2 were directed to hand over vacant possession of the demised shop to the respondent/landlord within three months from the date of order, failing which entitlement of the respondent/landlord to recover vacant possession.

After arguing at length, counsel for the petitioner/tenant, on instructions from Shiv Kumar - petitioner present in person, would state that he does not press the petition on merits but the petitioner may be given reasonable time to make arrangement for alternative accommodation and shift his business from the tenancy premises.

Counsel for respondent No. 1 has got no objection.

In view of the above, the petition stands disposed of and the eviction order passed by the Appellate Authority is affirmed subject, however, to the following conditions:-

- i) the petitioner shall handover vacant possession of the tenancy premises to respondent No. 1 on/or before 31.08.2019; and
- ii) the petitioner shall furnish an undertaking before the Rent Controller, Kurukshetra within a period of one month to the effect that he will hand-over vacant possession of the tenancy premises to respondent No. 1 on/or before 31.08.2019; and
- iii) the petitioner shall pay arrears of rent and rent upto 31.08.2019 by way of demand draft in the name of respondent No. 1 within a period of thirty days before the Rent Controller, Kurukshetra.

Failure of the petitioner/tenant to comply with either of the

conditions No. (ii) and (iii) would entitle respondent No. 1 to execute eviction order, forthwith.

No order as to costs.

(Rekha Mittal)
Judge

14.11.2018
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