

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

CR No.2253 of 2018 (O&M)

Date of decision: 19.04.2018

Sham Lal and another

...Petitioners

Versus

Tarsem Kumar

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Ritesh Pandey, Advocate,
for the petitioners.

Mr. Premjit Kalia, Advocate,
for respondent-caveator.

Ritu Bahri, J.

Sham Lal and Rakesh Kumar @ Rajesh Kumar alias Rocky-petitioners (tenants) have filed the present petition against the findings recorded by the Rent Controller, Ajnala and the Appellate Authority, Amritsar, vide orders/judgments dated 29.04.2017 and 26.02.2018 respectively, whereby they have been ordered to be evicted from the demised premises i.e. shop measuring 19' x 6'-6", situated at Main Bazar, Dera Baba Nanak Road, Ajnala, Tehsil Ajnala, District Amritsar, on the ground of "personal necessity" as well "arrears of rent."

A perusal of the impugned order/judgments shows that the landlord (respondent herein) wanted to get the shop vacated mainly on two grounds i.e. (i) for settling the business of his son in the said shop and (ii) non payment of rent.

The plea taken by the petitioner-tenants had been rejected by both the Courts below that there was no relationship of landlord and tenant between petitioners and respondent. Petitioner No.1 has also failed to prove

that respondent is not owner of the demised premises. A perusal of the

impugned judgments shows that no evidence was led by tenant-petitioners to show that the demised shop was not required by landlord-respondent for settling the business of his son. In the absence of any cogent and convincing evidence, ejectment order/judgments have been rightly passed by the Courts below. No ground is made out to interfere in the impugned judgments. Accordingly, the present petition deserved to be dismissed.

After arguing at length and having failed to convince the Court on merits, learned counsel for the petitioners (tenants) prays that 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 the said fact, this petition is dismissed, however, one year's time commencing w.e.f. 19.04.2018 is granted to petitioners-tenants for making alternative arrangement, subject to furnishing an undertaking on or before 20.05.2018 before the Court of Rent Controller, Ajnala that he/they shall hand over actual physical vacant possession of the demised premises (shop) to respondent-landlord by 20.04.2019. The undertaking shall also state that he/they has/have cleared all the arrears of rent and shall continue to pay future rent at the rate of Rs.1500/- 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/their eviction forthwith with police help, if necessary, without recourse to any other remedy besides the petitioners-tenants making themselves liable in contempt proceedings.

19.04.2018
ajp

(RITU BAHRI)
JUDGE