

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

CR No. 2434 of 2018

Date of decision:- 18.04.2018

Ram Chand Dheeraj Kumar

...Petitioner

Versus

Parkash Lal Ratra and Anr

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Jaswinder Singh Randhawa, Advocate,
for the petitioner.

RITU BAHRI J. (Oral)

Petitioner (tenant)-Ram Chand Dheeraj Kumar has filed the present civil revision against the findings recorded by Ld. Rent Controller, Faridabad and the Appellate Authority, Faridabad, vide orders dated 27.01.2017 and 25.01.2018, respectively, whereby he has been ordered to be evicted from the demised premises i.e. Shop in 1K/17, Main Market No. 1,NH-1, NIT Faridabad, on ground of “personal necessity” and eviction petition filed under Section 13 of the Haryan Urban (Control of Rent & Eviction), Act, 1973 has been allowed.

A perusal of the impugned order(s) show that the landlord K. L. Ratra (respondent herein) had retired on 19.01.2013. On his retirement, he received retired benefits of Rs.3 lacs with the help of which he wanted to start business in disputed rental premises, which was best suitable for such business being in vicinity of cloth shops and he wanted to get the shop vacated for settling the business of his son in the disputed shop.

It is also not in dispute that the tenancy is since the year of 1992.

It is further submitted by learned counsel for the petitioner that the shop in dispute was rented out for cloth business including readymade clothes and the tenant has been carrying on business of clothes since the date of inception of tenancy till now.

I have heard learned counsel for the parties and perused the case file.

After arguing at length and learned counsel for the petitioner (tenant) failed to convince the court on merits and requested for some reasonable time for making alternative arrangement

Keeping in view the judgments passed by Hon'ble Apex Courts in case ***Uday Shankar Upadhyay and Ors. Versus Naveen Maheshwari and Manohar Lal Sanghi Versus Jaswant Rani Ahuja-Haryana Urban (Control of Rent and Eviction) Act 1973***, the present revision deserved to be dismissed.

The prayer made by the learned counsel for the petitioner, being reasonable, is accepted.

Accordingly, this petition stands dismissed, however, one year time commencing w.e.f. 18.04.2018 is granted to the petitioner-tenant for making alternative arrangement, subject to his furnishing an undertaking on or before 18.05.2018 before the court of learned Rent Controller, Faridabad that he shall hand over actual physical vacant possession of the demise premises (shop) to the respondent/landlord by 19.04.2019. 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.

18.04.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable : No