

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

**CR No.2442 of 2018 (O&M)
Date of decision: 22.05.2018**

Kumar Abhinav

...Petitioner

Versus

Ved Parkash

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Neha Sonawane, Advocate,
for the petitioner.

Ritu Bahri, J.

CM No.7341-CII of 2018

In view of the averments mentioned in the application, same is allowed and delay of 128 days in re-filing of the petition is condoned.

CR No.2442 of 2018

Kumar Abhinav-petitioner (tenant) has filed the present petition against the findings recorded by the Rent Controller, Faridabad and the Appellate Authority, Faridabad, vide judgment/order dated 31.07.2015 and 03.08.2017 respectively, whereby he has been ordered to be evicted from the demised premises i.e. Shop No.34-A, Bata Railway Crossing Road, NIT, Faridabad, on the ground of “personal necessity.”

A perusal of the impugned order/judgments shows that the landlord (respondent herein) wanted to get the demised premises vacated on the ground of “arrears of rent” and “bonafide necessity.”

The plea taken by the petitioner-tenant had been rejected by both

the Courts below as he had also failed to prove his case. A perusal of the impugned order/judgments shows that landlord-respondent inherited the shop in question as per family settlement and other portion of the shop, which is bearing No.34, went to the share of other co-sharer namely Yashpal. During cross-examination before the Rent Controller, Kumar Abhinav-tenant (petitioner herein) had admitted that landlord (respondent herein) was selling vegetables on *rehri*. No evidence was led by tenant-petitioner to show that the demised premises was not required by landlord-respondent for selling the vegetables. 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 deserves to be dismissed.

After arguing at length and having failed to convince the Court on merits, learned counsel for the petitioner (tenant) 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, nine months' time commencing w.e.f. 23.05.2018 is granted to petitioner-tenant for making alternative arrangement, subject to furnishing an undertaking on or before 06.06.2018 before the Court of Rent Controller, Faridabad that he shall hand over actual physical vacant possession of the demised premises to respondent-landlord by 23.02.2019. The undertaking shall also state that he has cleared all the arrears of rent and shall continue to pay future rent at the rate of Rs.5000/- 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.

22.05.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No