

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.2812 of 2018

Date of decision:- 11.05.2018

Joginder Pal

...Petitioner

Versus

Neelam Sabharwal

...Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Manuj Nagrath, Advocate, for the petitioner.

RITU BAHRI J. (Oral)

Petitioner (tenant)-Joginder Pal, has filed the present civil revision against the findings recorded by Ld. Rent Controller, Jalandhar and the Appellate Authority, Jalandhar, vide orders dated 02.01.2016 and 13.12.2017, respectively, whereby he has been ordered to be evicted from the demised shop No.2, WD-212, Basti Guzan, Basti Mithu Chowk, Jalandhar, on ground of "personal necessity".

A perusal of the impugned order(s) show that the respondent-landlady had purchased the property from the original landlord on 29.02.2012 and thereafter, the present eviction petition was filed on the ground of personal necessity of her husband Chaman Lal Sabharwal who has retired from government job and wants to run a departmental store in all the shops purchased under the sale deed. The respondent-landlady and her husband had appeared before the trial Court as PW-1 and PW-2 and reiterated the version as given in their affidavit. Both the Courts below has allowed the case of the respondent-landlady on the basis of bonafide requirement and petitioner-tenant had not filed any cogent evidence to show that requirement of respondent-landlady without any rhyme and reason and eviction order have been granted by both the Courts.

It is also not in dispute that the tenancy is since the year of 1990. It is further submitted that petitioner (tenant) is running the business since 1990 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Accordingly, this petition is dismissed as withdrawn, however, one year's time commencing w.e.f. 11.05.2018 is granted to the petitioner tenant for making alternative arrangement, subject to his furnishing an undertaking on or before 04.06.2018 before the court of learned Rent Controller, Jalandhar that he shall hand over actual physical vacant possession of the demise premises (shop) to the respondent/landlord by 12.05.2019. 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.1000/- per month by 10th of each calender 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.

11.05.2018
anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>