

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

CR No.2993 of 2017(O&M)

Date of decision: 1.3.2018

Sudhir Bhateja

.....Petitioner

VERSUS

Sushma Devi

.....Respondent

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Sandeep Jasuja, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

CM No.9184-CII of 2017

Prayer in this application is for condoning delay of 37 days in re-filing the petition.

Heard.

In view of averments made in the application supported by an affidavit of Sandeep Jasuja, the application is allowed. Delay of 37 days in re-filing the petition stands condoned.

Disposed of accordingly.

CR No.2993 of 2017

The present petition directs challenge against concurrent findings recorded by the Courts below whereby application for eviction filed under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 by the respondent/landlady was allowed by the Rent Controller vide order dated 19.12.2014 on the ground of bona fide personal

requirement of the premises by son of the landlady and findings recorded by the Rent Controller were affirmed in appeal by the Appellate Authority on 18.10.2016.

After arguing for some time, counsel for the petitioner would state that he does not press the petition on merits but the petitioner may be given reasonable time to find an alternative accommodation and hand over vacant possession of the premises in question to the respondent/landlady.

The eviction order passed by the Rent Controller was affirmed in appeal on 18.10.2016. The instant petition was filed in January 2017. The petitioner is able to enjoy the premises in question till date despite there being no stay in his favour.

Under the circumstances, orders passed by the Courts below are affirmed and the petitioner is given four months' time to vacate the premises subject to the following conditions:-

1. The petitioner shall hand over vacant possession of the demised premises to the respondent on or before 30.06.2018.
2. He shall deposit arrears of rent/mesne profits with the Rent Controller within a period of 15 days and pay subsequent rent/mesne profits on or before 7th of each calendar month by way of deposit with the Rent Controller.
3. He shall furnish an undertaking with the Rent Controller within a period of 15 days that he shall hand over

vacant possession of the premises in question to the respondent on or before 30.06.2018.

4. Failure of the petitioner to deposit the arrears of rent/mesne profits or furnish an undertaking in compliance with the order passed by this Court would entitle the respondent to execute the order of eviction forthwith.

Disposed of accordingly.

MARCH 1, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no