

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

112

CR-3356-2018 (O&M)

Date of decision: 18.05.2018

BABU LAL (DECEASED) THR HIS LRS AND ANR. ...Petitioners

Versus

SUNDER KAUR

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Raman Sharma, Advocate for the petitioners.

Ms. Deepa Jain, Advocate for the respondent/caveator.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against concurrent findings recorded by the Courts whereby application for ejectment under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 filed by the respondent landlady was allowed by the Rent Controller vide order dated 30.08.2017 and the order of eviction has been affirmed in appeal vide judgment dated 03.04.2018.

After arguing for sometime, counsel for the petitioners would state that he does not press the petition on merits but the petitioners may be given some reasonable time to make arrangement for alternative accommodation. He has also prayed that the appellate authority has assessed mesne profits @ 30,000/- per month w.e.f. 30.08.2017 i.e. order of eviction passed by the Rent Controller but the shop in question is small in size and petitioner No.1 (since deceased) represented by his LR is doing the business of cobbler in the said shop, therefore, mesne profits assessed by the appellate authority may be reduced.

Counsel for the parties are *ad idem* that the present petition may be disposed of subject to terms and conditions to be ascertained by the Court in view of consensus made by them. In view of the above, eviction order passed by the Rent Controller and affirmed in appeal is ordered to be

confirmed subject to the following conditions:-

1. The petitioners shall hand over vacant possession of the tenancy premises to the respondent on or before 31.10.2018.
2. The petitioners shall pay arrears of mesne profits @Rs.5000/- per month w.e.f. 01.09.2017 by way of demand draft in the name of respondent within a period of one month from today.
3. The mesne profits of the subsequent months till vacation shall be payable by way of demand draft in the name of respondent by the 7th of each calendar month.
4. The petitioners shall furnish an undertaking before the Rent Controller, Faridabad within a period of 15 days that they shall hand over vacant possession of tenancy premises to the respondent landlady on or before 31.10.2018.

Failure of the petitioners to comply with either of the aforesaid conditions would entitle the respondent-landlady to execute the eviction order forthwith.

18.05.2018
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No