

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

**CR No.3690 of 2017 (O&M)
Date of decision: 14.02.2018**

Satnam Singh

...Petitioner

Versus

Darshan Lal (deceased) through LRs.

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jaideep Verma, Advocate,
for the petitioner.

Mr. Vivek Suri, Advocate,
for the respondent(s).

Ritu Bahri, J.

Satnam Singh-petitioner (tenant) has filed the present petition against the findings recorded by the Rent Controller, Kharar and the Appellate Authority, S.A.S. Nagar, Mohali, vide orders dated 27.03.2014 and 18.03.2017 respectively, whereby he has been ordered to be evicted from the demised premises i.e. Shop bearing MC No.678, present Ward No.12, Old Ward No.8, situated in Sabzi Mandi, Kurali, Tehsil Kharar, District Mohali, on the ground of “personal necessity” as well “arrears of rent.”

A perusal of the impugned order(s) shows that the landlord (respondent herein) wanted to get the shop vacated on two grounds i.e. (i) for settling the business of his sons in the said shop and (ii) non payment of rent.

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

the Courts below that the landlord-respondent had demolished the shop on the adjoining land with the intention to get him vacated from the demised shop. Application filed by tenant for appointment of a Local Commissioner was also dismissed by the trial Court. A perusal of the impugned judgments shows that no evidence was led by tenant-petitioner to show that any shop, next to the demised shop, had been demolished by the landlord. 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.

After arguing at length and having failed to convince the Court on merits, learned counsel for the petitioner (tenant) wishes to withdraw the present 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.

Learned counsel for respondent-landlord states that Rs.5000/- were deposited by the tenant before the Rent Controller towards mesne profit.

In view of the said fact, this petition is dismissed as withdraw, however, 9½ months' time commencing w.e.f. 14.02.2018 is granted to petitioner-tenant for making alternative arrangement, subject to furnishing an undertaking on or before 09.03.2018 before the Court of Rent Controller, Kharar that he shall hand over actual physical vacant possession of the demised premises (shop) to respondent-landlord by 01.12.2018. 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.

14.02.2018
ajp

(RITU BAHRI)
JUDGE

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