

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

C.R. No. 365 of 2018
Date of decision : 07.05.2018

Sunita Kiran

.....Petitioner

versus

Tripta Rani through her legal heir and anr.

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Majithia, Advocate
for the petitioner.

Mr. Brij Mohan Vinayak, Advocate
for the caveators/respondents.

RITU BAHRI , J. (Oral)

Petitioner (tenant)-Sunita Kiran has filed the present civil revision against the findings recorded by Ld. Rent Controller, Amritsar and the Appellate Authority, Amritsar, vide orders dated 24.07.2014 and 21.09.2017, respectively for ejectment of petitioner under Section 13 of the East Punjab Urban rent Restriction Act, 1949, whereby she has been ordered to be evicted from the demised premises.

A perusal of the impugned order(s) show that the landlord/respondent was the owner of building bearing No. B-574, situated at Ranjit Avenue Amritsar and purchased the same, vide registered sale deed dated 23.12.1985. The present petitioner took on rent two rooms, one kitchen, one bathroom on the first floor of the property along with separate electric connection in the year 1992 at the rate of Rs.1500/- per month. The tenancy was oral one accompanied by delivery of possession. But the landlord/respondents used to issue receipt of arrears of rent and as, such there was relationship of landlord and tenant between petitioner and

respondent. The petitioner was in arrears of rent w.e.f 01.09.2005. The applicant require the demised premises bona fide for their own use and occupation and for the use and occupation of their married son, who has got his wife and two children.

After arguing at length and having failed to convince the court on merits, learned counsel for the petitioner (tenant) submits that the petitioner be provided some reasonable time to relocate subject in order to clear all the arrears of rent at the determined rate of rent. Petitioner is seeking time since February, 2019.

Learned counsel for the respondent has further produced the copy of order dated 19.11.2014 whereby the ejectment order was stayed subject to the condition that the petitioner will pay mesne profit @ Rs.6500/- per month w.e.f 24.07.2014 till disposal of the appeal filed before the Appellate Authority. The photocopy of order dated 19.11.2014 is taken on record as Annexure A-1.

In view of the above factual position, this petition is dismissed, however, nine months time commencing w.e.f. 07.05.2018 is granted to the petitioner-tenant for making alternative arrangement, subject to furnishing an undertaking on or before 21.05.2018 before the court of learned Rent Controller, Amritsar that she shall hand over actual physical vacant possession of the demise premises to the respondents/landlord by 31.01.2019. The undertaking shall also state that she has cleared all arrears of rent @ Rs.6500/- per month w.e.f 24.07.2014 to 21.09.2017. Further now she shall also continue to pay rent w.e.f. 22.09.2017 to 31.01.2018 @ Rs.6500/- per month and future rent from 01.02.2018 to 31.01.2019 at the rate of Rs.8000/- per month by 10th of each calender month. Needless to say that any violation of the aforesaid terms shall entitle the landlord to seek her eviction forthwith with police help, if necessary,

without recourse to any other remedy besides the petitioner-tenant making himself liable in contempt proceedings.

May 07, 2018
G Arora

(RITU BAHRI)
JUDGE

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