

**120-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No. 3679 of 2018 (O&M)

Date of decision : August 23, 2018

Kamlesh and others

.....Petitioners

Versus

Shree Shyam Mandir Hansi Trust

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Shalender Mohan, Advocate
 for the petitioners.

 Mr. Anurag Jain, Advocate
 for the caveator- respondent.

LISA GILL, J.

This petition has been filed by petitioners challenging order dated 05.08.2013 passed by the learned Rent Controller, Hansi whereby their eviction has been ordered as well as order dated 15.05.2018 passed by learned Additional District Judge -cum-Appellate Authority, Hisar.

Petition under Section 13 of the East Punjab Urban Rent Restriction Act had been filed by the respondent – landlord, a Charitable Trust seeking eviction of the petitioners from the demised premises i.e. House Tax Unit No. 680A to E/11. It was pleaded that the temple, Shri Shyam Mandir run by the petitioner – Trust has lakhs of devotees and the trust seeks to have shop in possession of the petitioners as well as other shops with two other tenants vacated, as they seek to use the same as a book shop, idol shop, for keeping the shoes (Jutta ghar) and to install a water cooler. It was further pleaded that tenants were in arrears of rent. Learned Rent Controller allowed the petition vide judgment dated 05.08.2013 on the ground of bona fide need of the landlord. Appeal preferred by the petitioners was dismissed by the learned Additional District Judge-cum-Appellate Authority vide judgment dated 15.05.2018.

Learned counsel for the petitioners, at the outset, submits that he has instructions to not contest the petition on merits, however, the petitioners seek six months for handing over the vacant and peaceful possession of the shop in question to the respondent/landlord - Shree Shyam Mandir Hansi Trust. Petitioners undertake to deposit the arrears of rent, if any, besides depositing the entire amount due for the said six months within the next three months.

Learned counsel for the caveator – respondent, on instructions, submits that his client has no objection in case a period of six months is afforded to the petitioners to hand over the peaceful, vacant possession of the demised shop besides deposit of the arrears, if any, as well as deposit of rent for the period of six months.

Keeping in view the stand of the parties, this petition is dismissed. However, the petitioners are permitted to retain possession of the demised shop i.e. House Tax Unit No. 680A to E/11 situated at old Jind Road, near Barsi Gate, Jind Chowk, Hansi, for a period of six months from today i.e. till 01.03.2019 subject to deposit of arrears of mesne profits/rent as mentioned above. The petitioners shall furnish their undertaking to this effect before the Executing Court within two weeks. It is made clear that in case such an undertaking is not submitted by the petitioners before the Executing Court within two weeks, the respondent shall be at liberty to pursue the execution proceedings.

August 23, 2018
rts

(Lisa Gill)
Judge

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