

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

223

CR-4335-2015 (O&M)
Date of decision: 06.02.2018

BABLI AND ANR.

... Petitioners

Versus

JASBIR KAUR

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Seema Arora, Advocate
for the petitioners.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against orders dated 04.10.2013 passed by the Rent Controller, Abohar and dated 24.04.2014 by the Appellate Authority at Fazilka whereby the application for eviction filed under Section 13 of the East Punjab Urban Restrictions Act, 1949 (in short 'the Rent Act') by respondent-Jasbir Kaur was allowed and the appeal preferred by the petitioners did not find favour with the Appellate Authority under the Rent Act.

On 13.07.2015, order passed by this Court reads as follows:-

“Learned counsel for the petitioners contends that he does not press this petition on merits. He pleads for the grant of some reasonable time to vacate the demised premises in order to enable the petitioners-tenants to find out some suitable alternative accommodation.

Notice of motion for the above-said limited purpose only, returnable by 1.10.2015.

In the meanwhile, possession of the petitioners over the demised premises is protected but subject to the following conditions:-

*(i) that petitioners will clear all the arrears of rent/mesne profits, if any, within a period of 15 days from today; and
(ii) that the petitioners shall continue to pay the future rent/mesne profits by 11th of each month till further order.”*

In case the petitioners fail to comply with any of these conditions, then in that eventuality the stay order shall stand automatically vacated.

Counsel for the petitioners has fairly informed that the petitioners have not complied with order dated 13.07.2015 in regard to clearing of arrears of rent/mesne profits as well as payment of future rent/mesne profits. However, she is not sure if the respondent has already obtained vacant possession of the demised premises. As the petitioners have failed to pay arrears of rent/mesne profits in terms of order dated 13.07.2015, they are not entitled to indulgence of this Court for seeking any directions by giving some more time to vacate the premises in question.

In view of the above, the petition fails and is accordingly dismissed.

06.02.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No