

Civil Revision No. 4004 of 2018 (O&M)

Date of decision : August 23, 2018

Sukhbir Singh Kalyan

.....Petitioner

Versus

Shanti Rani Passi and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

LISA GILL, J.

This petition has been filed by petitioner challenging order dated 17.02.2016 passed by the learned Rent Controller, Karnal whereby his eviction from the demised premises i.e. shop measuring 12 ft. x 33.5 ft. (part of H.No. C-214, Outside Kalandari Gate, G.T. Road, Karnal) has been ordered as well as order dated 01.05.2018 passed by learned Appellate Authority-cum-Additional District Judge, Karnal.

Learned counsel for the petitioner at the outset submits that the petitioner does not challenge the above said decisions on merits. However, petitioner prays for some time to hand over the vacant and peaceful possession of the premises in question to the landlords/respondents. He undertakes to hand over the vacant and peaceful possession of the premises in question to the landlords within six months from today. The petitioner further undertakes to deposit the arrears of rent/mesne profit if any and would also deposit the same regularly for a further period of six months if permitted to retain the premises.

Notice of motion.

At this stage, Mr. B.S.Bedi, Advocate appears and accepts notice on behalf of respondent No. 1. Learned counsel for respondent No. 1 states that respondent No. 1 as well as her husband respondent No. 2 have no objection, in case, six months are afforded to the petitioner to hand over the vacant possession of the demised shop subject to deposit of the arrears, if any, as well as deposit of rent for the period of six months besides furnishing of undertaking of the petitioner to this effect within a specified period before the Executing Court.

Keeping in view the facts and circumstances of the case besides the specific stand of the parties before this Court, this petition is dismissed. However, the petitioner is permitted to retain possession of the demised shop for a period of six months from today subject to deposit of arrears of mesne profits/rent as mentioned above. Peaceful vacant possession of the premises shall be handed over to the landlord on or before 01.03.2019. The petitioner shall furnish his undertaking to this effect before the Executing Court within three weeks from today.

It is made clear that in case such an undertaking is not submitted by the petitioner before the Executing Court, the respondents 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