

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

CM No.27700-CII of 2018 in

CR No.4010 of 2018 (O&M)

Date of decision: 20.12.2018

Jagdish Kumar

....Petitioner

VERSUS

Lt. Col. Jatinder Pal Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.K. Arora, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

Prayer in this application is for pre-poning the date of hearing of CR No.4010 of 2018 fixed for 06.02.2019.

Counsel would state that during pendency of the petition to challenge eviction order, warrant of possession has been issued and Bailiff has been directed to get the possession delivered by breaking open the locks vide order dated 29.11.2018 passed by the executing Court, extracted in para 5 of the application. Counsel would further state that on instructions from the applicant-petitioner, he does not press the main petition on merits and only pray for giving reasonable time of one year to hand over vacant possession of the tenancy premises.

In view of the above, application is allowed and the main case CR No.4010 of 2018 is taken on board today itself.

CR No.4010 of 2018

The present petition directs challenge against concurrent findings of fact whereby application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short 'the Act') for eviction of the

petitioner from tenancy premises detailed in head-note of the order passed by the Rent Controller has been allowed. The appeal preferred by unsuccessful petitioner/tenant was decided by the Appellate Authority, Ferozepur on 21.02.2018. Counsel for the petitioner would state that he does not press the petition on merits but some time may be given to the petitioner to make arrangement of alternative accommodation for his business as he is tenant for the past about 25 years.

In view of the above, the present petition stands disposed of. Order of eviction passed by the Rent Controller and affirmed in appeal is confirmed subject, however, to the following conditions:-

1. The petitioner shall hand over vacant possession of tenancy premises to the respondent/landlord on or before 31.08.2019.
2. The petitioner shall pay arrears of mesne profits, if any assessed by the Appellate Authority upto 31.08.2019 by way of demand draft in the name of respondent, to be deposited with the Rent Controller, Ferozepur within a period of two months.
3. The petitioner shall furnish an undertaking before the Rent Controller, Ferozepur within a period of 15 days from today that he will hand over vacant possession of the tenancy premises to the respondent/landlord on or before 31.08.2019.

Failure of the petitioner to comply with either of the conditions would entitle the respondent/landlord to execute the eviction order forthwith.

In the meantime, warrant of possession issued by the executing Court (if not already executed) shall be kept in abeyance in order to enable the petitioner to furnish the undertaking and deposit arrears of mesne profits in compliance with directions issued by this Court.

Disposed of accordingly.

DECEMBER 20, 2018
‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No