

In the High Court of Punjab and Haryana at Chandigarh

**CM No. 8307-CII of 2018 in/and
CR No. 413 of 2018(O&M)
Date of Decision: 16.5.2018**

Brij Bhushan

---Petitioner

versus

Santosh Rani

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sanjiv Gupta, Advocate
for the petitioner**

**Rekha Mittal, J.
CM No. 8307-CII of 2018**

Prayer in this application is for recalling order dated 23.4.2018
whereby the revision petition was dismissed for non-prosecution.

Heard.

In view of averments made in the application supported by an
affidavit of Sh. Sanjiv Gupta, Advocate, counsel for the applicant-petitioner
and arguments advanced, application is allowed. Civil Revision No. 413 of
2018 is restored to its original number and stage and is taken on Board
today itself.

Disposed of accordingly.

CR No. 413 of 2018

The present petition directs challenge against concurrent

findings recorded by the courts whereby application for eviction filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short "the Act") on the ground of personal requirement of divorcee daughter of the respondent/landlady has been allowed by the Rent Controller, Patiala vide order dated 12.9.2016 and appeal preferred by the petitioner/tenant did not find favour with the Appellate Authority, Patiala and the same was disallowed vide order dated 3.11.2017.

After arguing for sometime, counsel for the petitioner would state that he does not press the petition on merits but the petitioner may be given reasonable time to make arrangement of alternative accommodation as he is in occupation of the shop in question since 1987 even before the property was purchased, vide sale deed dated 31.5.1989 by the landlady.

In view of the above, the petition is disposed of. The 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 the demised premises to the respondent on or before 31.10.2018.
2. He shall deposit arrears of rent/mesne profits till date by way of demand draft in the name of respondent with Rent Controller, Patiala within a period of one month.
3. The rent/mesne profits of the subsequent months shall be paid by way of demand draft in the name of respondent on or before 7th of each calendar month.
4. The petitioner shall furnish an undertaking within a period of

15 days before the Rent Controller, Patiala that he will hand over vacant possession of the demised premises to the respondent-landlady on or before 31.10.2018.

Failure of the petitioner to comply with either of the aforesaid conditions would entitle the respondent to execute the eviction order forthwith, if not executed till date.

(Rekha Mittal)
Judge

16.5.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No