

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-4512-2018 (O&M)
Date of Decision: 18.07.2018

Surinder Kumar

--Petitioner

Versus

Darshan Singh

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Abhilaksh Grover, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner/tenant is in revision against the concurrent eviction orders passed by the authorities below and whereby he has been directed to be evicted from the demised premises i.e. a shop in Sadar Bazar within Municipal Council limits Dhuri on the ground of 'personal necessity' vide order dated 25.10.2016 passed by the Rent Controller, Dhuri and findings having been affirmed by the Appellate Authority, Dhuri vide order dated 11.5.2018.

After arguing at length and having failed to convince the Court on merits, learned counsel states that he would not press the instant petition provided some reasonable time is granted to vacate the premises. Counsel submits that the tenancy relates back to the year 1983 and as such, a reasonable time be granted to enable the petitioner/tenant to shift his business operations to some other place and to vacate the premises in question. Counsel further submits that the tenant would clear the arrears of rent, if any, @ Rs.6,000/- per month and would also be willing to pay a future rent @ Rs.10,000/- per month for the time so granted by this Court.

In the considered view of this Court, the prayer made by the petitioner/tenant is just and reasonable. Accordingly, I deem it appropriate

to dispose of the instant petition without issuing notice to the respondent/landlord so as to prevent unnecessary delay and also to avoid the burden of litigation expenses upon the landlord.

In view of the above, the instant petition is dismissed as not pressed. Fifteen months time commencing w.e.f. 01.08.2018 is granted to the petitioner/tenant for making alternate arrangements subject to his furnishing an undertaking on or before 1.8.2018 before the learned Rent Controller, Dhuri that actual, physical, vacant possession of the demised premises would be handed over to the respondent/landlord by 31.10.2019. The undertaking shall also state that the entire arrears of rent, if any, at the agreed rate of Rs.6000/- per month have been cleared till 31.07.2018 and the petitioner/tenant shall pay future rent @ Rs.10,000/- per month w.e.f. 01.08.2018 to 31.10.2019 by the 10th of each calendar month.

Needless to say that any violation of the aforesaid terms shall entitle the landlord to seek his eviction forthwith with police help, if necessary and without recourse to any remedy besides the petitioner/tenant making himself liable to contempt proceedings.

Petition is dismissed in the aforesaid terms.

Pending application(s), if any, shall also stand disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

18.07.2018

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No