

**Sr. No.121
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No.4583 of 2018 (O&M)
Date of Decision: 02.08.2018**

Malkiat Singh and another

... Petitioners

Versus

Ram Murti

... Respondent

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

Present:- Mr. Pawan Kumar Mutneja, Advocate,
for the petitioners.

Mr. Parveen K. Kataria, Advocate,
for the respondent.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioners/tenant(s) are in revision against the concurrent eviction orders passed by the authorities below and whereby they have been directed to be evicted from the demised premises described as shop bearing Municipal No.318, Ward No.11, Pratap Road, Moga on the twin grounds of personal necessity and unfit for human inhabitation vide order dated 25.07.2016 passed by the Rent Controller, Moga and findings having been affirmed by the Appellate Authority vide order dated 20.01.2018.

Having argued 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 commenced

approximately 20 years back and as such reasonable time be granted to enable the petitioners/tenant(s) to shift their business operation to some other place to vacate the premises in question.

Counsel further submits that they would clear the arrears of provisional rent, if any, which had been assessed as Rs.500/- per month and would continue paying such rent for a period of time that may be granted by this Court for vacation of the premises.

Mr. Kataria, Advocate who is present in Court puts in appearance on behalf of respondent-landlord(s) and does not oppose the submission made by counsel representing the tenant(s).

In view of the above, the instant petition is dismissed as not pressed.

One year time commencing w.e.f. 01.08.2018 is granted to the petitioners/tenant(s) for making alternate arrangements subject to their furnishing an undertaking on or before 20.08.2018 before the learned Rent Controller, Moga that they would hand over actual physical vacant possession of the demised premises to the respondent/landlord(s) by 31.07.2019. The undertaking shall also state that the entire arrears of provisional rent, if any, at the rate of Rs. 500/- per month have been cleared till 31.07.2018 and the petitioners/tenant(s) would continue pay such rent w.e.f. 01.08.2018 to 31.07.2019 by the 10th of each calendar month. Since eviction has also been directed on the ground of the premises being unfit for human habitation, the undertaking to be now

furnished by the tenant/petitioner(s) before the Rent Controller would also mention that they would continue in possession of the premises for the period as indicated hereinabove at their own risk and responsibility.

Needless to say that any violation of the aforesaid terms, shall entitle the landlord(s) to seek eviction forthwith with police help and without resort to any other remedy beside the petitioners/tenant(s) making themselves liable for contempt proceedings.

Petition is dismissed in the aforesaid terms.

02.08.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No