

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CR-4762-2018 (O&M)  
Date of Decision: 10.08.2018

Ramesh Lakhanpal

--Petitioner

Versus

Mohinder Kaur

--Respondent

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

Present:- Mr. M.S. Sachdev, Advocate for the petitioner.

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**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 portion of house (two rooms 10 ft x 21 ft bearing no.2) situated at Ekta Vihar, T.V. Tower Road, Jalandhar on the ground of 'change of user' vide order dated 30.8.2017 passed by the Rent Controller, Jalandhar and findings having been affirmed by the Appellate Authority vide order dated 3.5.2018.

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 2002 and as such, a reasonable time be granted to enable the petitioner/tenant to make alternate arrangements and to vacate the premises in question.

Counsel further submits that during the pendency of proceedings before the Appellate Authority an application had been moved by the landlord for assessing mesne profits and which had been determined at Rs.2500/- per month. Willingness has been indicated to continue paying future rent/mesne profits @ Rs.2500/- per month for the time that may be

granted by this Court.

In the considered view of this Court, the prayer made on behalf of 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. One year time commencing w.e.f. 15.08.2018 is granted to the petitioner/tenant for making alternate arrangements and for eviction of the demised premises subject to his furnishing an undertaking on or before 30.8.2018 before the learned Rent Controller, Jalandhar that actual, physical, vacant possession of the demised premises would be handed over to the respondent/landlord on or before 14.8.2019. The undertaking shall also state that the entire arrears of mesne profits, if any, at the agreed rate of Rs.2500/- per month have been cleared and the petitioner/tenant shall continue paying Rs.2500/- per month w.e.f. 15.8.2018 till 14.8.2019 or such prior date that he hands over the vacant possession of the demised premises.

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**

**10.08.2018**

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