

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.492 of 2018 (O&M)
Date of decision:- 30.01.2018

Sudarshan Rani and anr.

...Petitioners

Versus

Krishan Partap Pathak

...Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Hitesh Ghai, Advocate, for the petitioners.

Mr.P.K.Jain, Advocate, for the respondent/caveator.

RITU BAHRI J. (Oral)

The petitioners have come up in revision against the order dated 16.04.2016 and order dated 06.11.2017 vide which ejectment petition of respondent/landlord was allowed and appeal and application under Order 41 Rule 27 CPC of the present petitioners/tenants was dismissed.

A perusal of the impugned order(s) show that the landlord (respondent herein) wanted to vacate his shop for running a boutique under the name and style of M/s Shivani Boutique and the vacated shop is required for expansion of his business of boutique and he has no other alternative space for expansion the same because the property on the ground floor which is being used by him for his office and library as well as for his residential purpose.

Learned counsel for the petitioners submits that petitioner No.1-Sudarshan Rani has lost her husband and she may be given one year time to vacate the demised premises. Learned counsel for the petitioners further submits that petitioner No.1 shall furnish the undertaking to the learned Rent Controller after two weeks from today that she will vacate the demised premises after one year i.e. on 01.03.2019 and for this period, she will pay Rs.1500/- per month to the learned Rent Controller.

After arguing at length and having failed to convince the court on merits, learned counsel for the petitioner s(tenant) wishes to withdraw

the present revision petition provided the aforesaid time may be granted to relocate subject in order to clear all the arrears of rent at the determined rate of rent.

In view of nature of the order being passed, it is not felt necessary to issue notice to the respondent/landlord so as to avoid delay in the matter and to save him from unnecessary litigation expenses.

The prayer being reasonable, is accepted.

Accordingly, this petition is dismissed as withdrawn, however, one year time commencing w.e.f. 01.02.2018 is granted to the petitioners-tenant for making alternative arrangement, subject to his furnishing an undertaking after two weeks from today before the court of learned Rent Controller, Ludhiana that she shall hand over actual physical vacant possession of the demise premises (shop) to the respondent/landlord by 01.03.2019. The undertaking shall also state that she has cleared all arrears of rent and shall continue to pay future rent at the rate of Rs. 1500/- per month by 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, without recourse to any other remedy besides the petitioners-tenant making himself liable in contempt proceedings.

30.01.2018
anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>