

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5007-2018 (O&M)

Date of Decision: 05.10.2018

Shani Ram (deceased) through L.Rs
Manju & others

--Petitioners

Versus

Vijay Singh & another

--Respondents

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

Present:- Mr. Puneet Kumar Bansal, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioners/tenants 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 i.e. one room measuring 12 x 11 feet and being a part of property bearing No.ES-45/113, situated Railley Ahaatta, Bharat Nagar, Ferozepur City on the ground of bonafide 'personal necessity' vide order dated 02.11.2017 passed by the Rent Controller, Ferozepur and findings having been affirmed by the Appellate Authority vide order dated 18.05.2018.

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 more than four decades and the tenants are poor persons being street hawkers and as such, a reasonable time be granted to enable them to make alternate arrangements. Counsel further submits that the Rent Controller, Ferozepur had assessed the provisional rent of the demise premises as Rs.75/- per month and which has been paid upto the date of ejectment directed by the Rent Controller i.e. 02.11.2017. Further urged that the tenant would be willing to pay a future rent at the rate

of Rs.200/- per month for the time that may be so granted by

this Court for vacation of the premises.

In the considered view of this Court, the prayer made by the petitioners/tenants are just and reasonable. Accordingly, I deem it appropriate to dispose of the instant petition without issuing notice to the respondents/landlords so as to prevent unnecessary delay and also to avoid the burden of litigation expenses upon the landlords.

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

Time up to 31.12.2019 is granted to the petitioners/tenants for making alternate arrangements and to vacate the premises in question subject to their furnishing an undertaking on or before 31.10.2018 before the learned Rent Controller, Ferozepur that actual, physical and vacant possession of the demised premises would be handed over to the respondents/landlords by 31.12.2019. The undertaking shall also state that the entire arrears of rent at the rate of Rs.75/- per month have been cleared upto 31.10.2018 and the petitioners/tenants shall pay future rent at the rate of Rs.200/- per month w.e.f. 01.11.2018 to 31.12.2019 by the 10th of each calendar month.

Needless to say that any violation of the aforesaid terms shall entitle the landlords to seek the eviction forthwith with police help and without recourse to any remedy besides the petitioners/tenants making themselves liable to contempt proceedings.

Petition is disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

05.10.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No