

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5432-2018 (O&M)
Date of Decision: 06.09.2018

Jagdish Prasad

--Petitioner

Versus

Vijay Singh & another

--Respondents

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

Present:- Mr. B.K. Majoka, 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 forming part of House No.V-1, A.C. Nagar near Phatak, Neelam Bata Road, N.I.T., Faridabad on the ground of bonafide personal necessity vide order dated 22.3.2017 passed by the Rent Controller, Faridabad and findings having been affirmed by the Appellate Authority, Faridabad vide order dated 24.5.2018.

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 2003 and as such, a reasonable time may be granted to enable the petitioner/tenant to make alternate arrangements. Counsel further submits that the Rent Controller had assessed the provisional rent @ Rs.1,000/- per month and the tenant would clear arrears of rent, if any, @ Rs.1,000/- per month and would also be willing to pay a future rent @ Rs.2500/- per month for the time so granted by this Court.

Mr. Tribhuwan Dahiya, Advocate, who is present in Court, puts in appearance on behalf of respondents/landlord(s) and does not oppose the prayer made on behalf of the petitioner with regard to grant of some reasonable time to vacate the premises. Counsel, however, submits that the tenant/petitioner is in arrears of rent since October, 2015.

Learned counsel representing the tenant/petitioner concedes to such factual premise but furnishes an undertaking that the arrears of rent would be made over within a period of four weeks from today.

In view of the above, the instant petition is dismissed as not pressed. Twelve months time commencing w.e.f. 01.10.2018 is granted to the petitioner/tenant for making alternate arrangements subject to his furnishing an undertaking on or before 15.10.2018 before the learned Rent Controller, Faridabad that actual, physical, vacant possession of the demised premises would be handed over to the respondents/landlord by 30.9.2019. The undertaking shall also state that the entire arrears of rent, if any, @ Rs.1,000/- per month have been cleared till 30.09.2018 and the petitioner/tenant shall pay future rent @ Rs.2500/- per month w.e.f. 01.10.2018 to 30.09.2019 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

06.09.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No