

CR No. 5765 of 2018 (O&M)

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 5765 of 2018 (O&M)

Date of decision: 12.09.2018

Harpal Singh

..... Petitioner.

Versus

Om Parkash (deceased) through LRs.Respondents.

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

Present: Mr. Manish Prabhakar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J(ORAL).

CM No. 18712-CII- 2018

The instant application has been filed under Section 151 CPC seeking condonation of 58 days delay that has occurred in re-filing the accompanying petition.

In view of the averments made in the application, same is allowed. Delay of 58 days in re-filing the accompanying petition is condoned.

Application is disposed of.

CM No. 18713-CII- 2018

The instant application has been filed under Section 5 of the Limitation Act seeking condonation of 129 days delay that has occurred in filing the accompanying petition.

For the reasons stated in the application, prayer is allowed. Delay of 129 days in filing the accompanying petition is allowed.

Application is disposed of.

CM No. 18714-C-II-2018

Instant application has been filed under Order 22 Rule 4 read with section 151 CPC for impleading the legal heirs of the deceased respondent-Om Parkash.

In view of the averments made in the application, same is

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allowed. The legal heirs of deceased Om Parkash as mentioned in para 2 of the application are allowed to be impleaded as party-respondents. Amended memo of parties is already placed on record.

Application is disposed of.

Main Case

Petitioner/tenant namely Harpal Singh 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 having area of 16.66 square yards forming part of building bearing no. 67 situated at Vijay, Nagar, Batala Road, Amritsar on the grounds of bonafide personal necessity, the tenant having ceased to occupy the demised shop over a period of more than four months and the premises having become unfit and unsafe for human habitation vide order dated 12.07.2016 passed by the Rent Controller, Amritsar and the findings having been affirmed by the Appellate Authority, Amritsar vide order dated 24.08.2017.

After arguing at length and having failed to convince the Court on merits, learned counsel states that he does not press the instant petition provided some reasonable time is granted to vacate the premises. Learned counsel submits that the tenancy relates back to the year 1996 and as such a reasonable time be granted to enable the petitioner/tenant to make alternate arrangement and to vacate the premises. Learned counsel further submits that the tenant would clear the arrears of rent, if any, @ Rs.2,500/- per month and which were mesne profit duly assessed by this Court in terms of order dated 25.07.2017 passed in CR No. 2121 of 2017.

In the considered view of this Court, the prayer made by the petitioner/tenant is just and reasonable. Accordingly, I deem it appropriate to dispose of the instant petition without even issuing notice to the

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respondent/landlord so as to avoid 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. Twelve months' time commencing w.e.f 01.10.2018 is granted to the petitioner/tenant for making alternate arrangements and to vacate the premises in question subject to his furnishing an undertaking on or before 30.09.2018 before the learned Rent Controller, Amritsar that actual, physical, vacant possession of the demised premises would be handed over to the respondent/landlord by 30.09.2019. The undertaking shall also state that the entire arrears of rent, if any, @ Rs.2,500/- per month have been cleared till 30.09.2018 and the petitioner/tenant shall continue paying the same amount i.e. Rs.2,500/- 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 and without recourse to any remedy besides the petitioner/tenant making himself liable for contempt proceedings.

The petition is dismissed in the aforesaid terms.

Pending application(s), if any, shall also stand disposed of.

12.09.2018
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(TEJINDER SINGH DHINDSA)
JUDGE

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