

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

CR-5785-2018 (O&M)

Date of Decision: 07.09.2018

Netar Parkash & others

... Petitioners

Versus

Vipin Kumar & others

... Respondents

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

Present:- Mr. Sudhir Kumar Aggarwal, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioners/tenants are in revision against the concurrent eviction orders passed by the authorities below, whereby they have been directed to be evicted from the demised premises i.e. a shop measuring 15'x8' situated at Nohatta Chowk, Main Bazar, Pataudi, District Gurugram on the ground of bonafide 'personal necessity' vide order dated 15.11.2017 passed by the Rent Controller, Pataudi and findings having been affirmed by the Appellate Authority, Gurugram vide order dated 21.07.2018.

2. 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 1989 and the tenants/petitioners herein are running a medical store and as such, some reasonable time be granted to make alternate arrangements. Counsel further submits that petitioners would clear the arrears of rent, if any, at the rate of Rs.500/- per month and would also be willing to pay a future rent at the rate of Rs.5000/- per month for the time so granted by this Court.

3. In the considered view of this Court, the prayer made on behalf

of the petitioners/tenants is 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 as also to avoid the burden of litigation expenses upon the landlords.

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

5. 12 months time commencing w.e.f. 01.10.2018 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 30.09.2018 before the learned Rent Controller, Pataudi that actual, physical and vacant possession of the demised premises would be handed over to the respondents/landlords by 30.09.2019. The undertaking shall also state that the entire arrears of rent, if any, at the rate of Rs.500/- per month have been cleared till 30.09.2018 and the petitioners/tenants shall pay future rent at the rate of Rs.5000/- per month w.e.f. 01.10.2018 to 30.09.2019 by the 10th of each calendar month.

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

7. Petition is dismissed in the aforesaid terms.

8. Since the main revision petition itself has been decided, pending applications, if any, shall also stand disposed of.

07.09.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |