

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

**CR No.58 of 2018 (O&M)
Date of decision: 18.04.2018**

Sushil Mohan

...Petitioner

Versus

Khaleel Ahmed and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manav Anand, Advocate,
for the petitioner.

Ritu Bahri, J.

Sushil Mohan-petitioner (tenant) has filed the present petition against the findings recorded by the Rent Controller, Amritsar and the Appellate Authority, Amritsar, vide orders dated 12.08.2016 and 07.12.2017 respectively, whereby he has been ordered to be evicted from the demised premises i.e. shop forming part of property bearing Plot No.2, situated at Ram Tirath Road, near Petrol Pump, Amritsar, on the ground of “personal necessity” as well “arrears of rent.”

A perusal of the impugned order(s) shows that the landlord (respondents herein) wanted to get the shop vacated on two grounds i.e. (i) for settling their business in the said shop and (ii) non payment of rent.

Facts not in dispute are that originally, the shop in dispute was owned by Balia Ram. Petitioner-tenant had taken the same on rent from

said Balia Ram vide rent note Ex.A2. Later on, Balia Ram sold the demised premises to Dr. Kuldeep Rai. Subsequently, vide sale deed dated 08.09.2004 Ex.A1, Dr. Kuldeep Rai sold the same to Zameel Ahmed. After the death of Zameel Ahmed, present respondents became landlords of the petitioner-tenant qua the demised premises.

Both the Courts below have upheld the ground of bonafide necessity taken by the landlord-respondents.

A perusal of the impugned judgments shows that no cogent and convincing evidence was led by tenant-petitioner to prove the stand taken by him. In the absence of any such evidence, ejectment order/judgments have been rightly passed by the Courts below. No ground is made out to interfere in the impugned judgments.

Accordingly, the present petition is dismissed.

At this stage, learned counsel for the petitioner (tenant) prays that some reasonable time may be granted to relocate subject in order to clear all the arrears of rent at the rate of Rs.4000/- per month.

In view of the said fact, one year's time commencing w.e.f. 18.04.2018 is granted to petitioner-tenant for making alternative arrangement, subject to furnishing an undertaking on or before 18.05.2018 before the Court of Rent Controller, Amritsar that he shall hand over actual physical vacant possession of the demised premises (shop) to respondent-landlords by 20.04.2019. The undertaking shall also state that he has cleared all the arrears of rent and shall continue to pay future rent at the rate of Rs.4000/- per month by 10th of each calendar month.

Needless to say that any violation of the aforesaid terms shall

necessary, without recourse to any other remedy besides the petitioner-tenant making himself liable in contempt proceedings.

18.04.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No