

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5855-2018(O&M)
Date of Decision: 20.09.2018

Neety Handa

--Petitioner

Versus

Sushma Chawla

--Respondent

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

Present:- Mr. Tanmoy Gupta, Advocate for the petitioner.

Mr. Ashwani Talwar, Advocate for the caveator/respondent.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner/tenant is in revision against the concurrent eviction orders passed by the authorities below and whereby she has been directed to be evicted from the demised premises i.e. first floor of property bearing no. 747, Urban Estate-II, Jalandhar on the ground of “bonafide personal necessity” vide order dated 30.5.2017 passed by the Rent Controller, Jalandhar and findings having been affirmed by the Appellate Authority, Jalandhar vide order dated 16.5.2018.

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 2011 and as such, one year time may be granted to enable the petitioner/tenant to make alternate arrangements.

Counsel further submits that the tenant is in arrears of rent since 15.3.2016 and would clear the same @ 10,980/- per month from 15.3.2016 till 15.2.2017, @ Rs.12,078/- per month from 15.2.2017 till 15.1.2018 and thereafter @ Rs.13,286/- per month. Further submitted that

the tenant would continue to pay rent @ Rs.13,286/- per month up to 30.11.2018 and enhanced amount of Rs.14,615/- per month thereafter for the period that may be so granted by this Court.

Mr. Ashwani Talwar, Advocate, who is present in Court, puts in appearance on behalf of respondent/landlord and does not oppose the prayer made on behalf of the petitioner but submits that the period of one year sought to vacate the premises would be unreasonable. He has adverted to the judgement dated 16.5.2018 passed by the Appellate Authority, Jalandhar to assert that even during pendency of the appeal, matter was dragged on at the instance of the tenant on the pretext that she would vacate the premises.

In view of the fact that the instant revision petition is not being pressed on behalf of the tenant, the same is dismissed as withdrawn.

Nine 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 her furnishing an undertaking on or before 30.10.2018 before the learned Rent Controller, Jalandhar that actual, physical, vacant possession of the demised premises would be handed over to the respondent/landlord by 30.6.2019. The undertaking shall also state that the entire arrears of rent @ Rs.10,980/- per month from 15.3.2016 to 15.2.2017, @ Rs.12,078/- per month from 15.2.2017 till 15.1.2018 and @ Rs.13,286/- from 15.1.2018 till 30.10.2018 stand cleared. Undertaking shall further state that the petitioner/tenant shall pay rent @ Rs.13,286/- per month for the month of November, 2018 and thereafter at the enhanced rate of Rs.14,615/- per month from 1.12.2018 till 30.6.2019 by the 10th of each calendar month.

Needless to say that any violation of the aforesaid terms shall entitle the landlord to seek her eviction forthwith with police help, if necessary and without recourse to any remedy besides the petitioner/tenant making herself 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

20.09.2018

lucky

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No