

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5918-2018 (O&M)
Date of Decision: 06.09.2018

Jagdish Kumar

--Petitioner

Versus

Anil Kumar & another

--Respondents

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

Present:- Mr. S.P. Arora, 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. Shop No.70(P) (Southern Side) measuring 9 feet 6 inches x 8 feet and depicted as red in colour in the site plan attached along with the petition filed by the landlord under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 on the ground of bonafide personal necessity vide order dated 26.10.2017 passed by the Rent Controller, Ferozepur and findings having been affirmed by the Appellate Authority, Ferozepur vide order dated 9.8.2018.

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 petitioner/tenant is a poor vegetable vendor and the tenancy relates back to approximately 40 years. Counsel further submits that the tenant would clear the arrears of rent, if any, @ Rs.400/- per month which was the provisional rent assessed by the Rent Controller and would be willing to pay a sum of Rs.1,000/- per month towards future rent for the time that may be granted by this Court to evict the premises.

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 issuing notice to the respondents/landlord so as to prevent 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 subject to his furnishing an undertaking on or before 15.10.2018 before the learned Rent Controller, Ferozepur 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.400/- per month have been cleared till 30.09.2018 and the petitioner/tenant shall pay future rent @ Rs.1,000/- 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