

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

CR No. 6316 of 2018

Date of Decision: 22.10.2018

BHAVNOOR SHIGH

..... Petitioner.

Vs.

MANINDER SINGH

..... Respondent.

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

Present: Mr. Aman Dhir, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J(ORAL)

Petitioner/tenant namely Bhavnoor 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. basement of building known as M/s Robin Traders, Garha Road, Jalandhar, on the ground of 'bona-fide personal necessity', vide order dated 01.02.2018 passed by the Rent Controller, Jalandhar and the findings having been affirmed by the Appellate Authority, Jalandhar vide order dated 07.08.2018.

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 2009 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 adverts to the order of ejectment passed by the Rent Controller wherein while dealing with the plea of the tenant being in arrears of rent it had been observed as follows:-

“ The perusal of case files shows that the respondent had paid rent at the rate of Rs.20,837/- till December 2017 and petitioner also made a statement on 19.01.2018 that he had received draft of Rs.41,674/- as rent of November

and December 2017. Therefore petitioner had already received the rent of disputed period. Hence the respondent is not in the arrears of rent.”

A categoric statement has been made by Mr. Aman Dhir, Advocate that the tenant has made a payment of Rs.21,200/- per month from January, 2018 upto October, 2018. Learned counsel submits that the petitioner/tenant would be willing to pay a future rent at the rate of Rs.35,000/- per month for the time that may be granted by this Court to vacate 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 even issuing notice to the 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.

Fourteen months' time commencing w.e.f 01.11.2018 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 31.10.2018 before the learned Rent Controller, Jalandhar, that actual, physical, vacant possession of the demised premises would be handed over to the respondent/landlord by 31.12.2019. The undertaking shall also state that the entire arrears of rent, if any, @ Rs.21,200/- per month have been paid upto October, 2018 and the petitioner/tenant shall pay future rent @ Rs.35,000/- per month w.e.f 01.11.2018 to 31.12.2019 by the 10th of each calender 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.

22.10.2018

Ali

**(TEJINDER SINGH DHINDSA)
JUDGE**

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