

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.699 of 2018 (O&M)

Date of decision:- -05.04.2018

Dharam Pal and others

...Petitioners

Versus

Meenu Chopra

...Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vikram Singh, Advocate, for the petitioners.

RITU BAHRI J. (Oral)

CM No.6945-CII of 2018

Application is allowed.

The main case is taken up for today.

Main Case

Petitioners have filed the present civil revision against the findings recorded by Ld. Rent Controller, Panipat and the Appellate Authority, Panipat, vide orders dated 21.08.2015 and 16.12.2017, respectively, whereby he has been ordered to be evicted from the property bearing No.131-LR, Model Town, Panipat, on ground of “personal necessity”.

A perusal of the impugned order(s) show that the husband of the respondent-Meenu Chopra i.e. Sh.Sudarshan Kumar Chopra was the owner of the property bearing No.131-LR, Model Town, Panipat which includes the demised premises. The demised premises was coming under the tenancy of Shri Ram Kishan and after his death his legal representatives are occupying the demised premises as tenants. Shri Sudarshan Kumar Chopra died on 21.08.2002 and in view of the Will dated 15.12.1996 the respondent

(herein in the present revision) became the owner of the property No.131-L/R, Model Town, Panipat. After the death of Sudarshan Kumar Chopra the present respondent namely Meenu Chopra had become the owner/landlord of demised premises and the petitioners are occupying the same as tenants. The demised premises is more than 60-70 years old and is build of mud masonry having roof of battens which has also lived its life. The wall of the demised premises has developed major cracks. The children of the petitioner are grown up and are of marriageable age and the same is required for personal bonefide necessity. It is on aforesaid three grounds of arrears of rent, demised premises in a dilapidated condition unfit for human habitation and personal bonafide necessity of the petitioner as she requires this premises for running a play school by her daughter and running a business of computer/hardware by the son of the respondent. Both the Courts below has allowed the case of the respondent-landlady by referring the judgment of this Court in the case of Geeta vs. Sushila 209(1) RCR (Civil) 669, wherein, when the building has become unsafe and unfit for human habitation and the tenant carries out repairs of the building without any order from the Court of Rent Controller and carries out repairs himself then the tenant is liable to eviction and on the basis of bonafide requirement and petitioner-tenant had not filed any cogent evidence to show that requirement of respondent-landlady without any rhyme and reason and eviction order have been granted by both the Courts.

It is also not in dispute that the tenancy is since 25 years. It is further submitted that petitioner (tenant) is since 25 years.

After arguing at length and having failed to convince the court on

present revision petition provided some reasonable time may be granted to relocate subject in order to clear all the arrears of rent at the determined rate of rent.

In view of nature of the order being passed, it is not felt necessary to issue notice to the respondent/landlord so as to avoid delay in the matter and to save him from unnecessary litigation expenses.

The prayer being reasonable, is accepted.

Accordingly, this petition is dismissed as withdrawn, however, one year's time commencing w.e.f. 05.04.2018 is granted to the petitioner tenant for making alternative arrangement, subject to his furnishing an undertaking on or before 31.08.2018 before the court of learned Rent Controller, Panipat, that he shall hand over actual physical vacant possession of the demise premises (shop) to the respondent/landlord by 05.04.2019. The undertaking shall also state that he has cleared all arrears of rent and shall continue to pay future rent at the rate of Rs.12,000/- per month by 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, if necessary, without recourse to any other remedy besides the petitioner tenant making himself liable in contempt proceedings.

05.04.2018
anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>