

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL REVISION NO. 7390 OF 2017 (O&M)

DATE OF DECISION: AUGUST 28, 2018

Brig.Ranbir Singh Brar

.....Petitioner

Versus

Varinder Zaildar and another

.....Respondents

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

Present: Mr.RS Athwal, Advocate for the petitioner.

Mr.Puneet Bali, Senior Advocate with
Mr.Aman Vashisht, Advocate and
Mr.Paramveer Singh, Advocate for the respondents.

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TEJINDER SINGH DHINDSA, J.

A rent petition preferred by the landlord under Section 13 of the East Punjab Urban Rent Restriction Act seeking eviction of the tenants from the demised premises i.e. a part of House No.24, Section 9-A, Chandigarh (four bedrooms with attached bathrooms, one converted garage with attached bathroom, one drawing dining room, one kitchen, one store and one car parking shed and three servant quarters) was accepted by the learned Rent Controller vide order dated 7.4.2017 and ejectment of the tenants was ordered on the twin grounds of *bonafide* personal necessity and sub-letting.

2. Tenant, namely, Varinder Zaildar having preferred an appeal, the Appellate Authority vide judgment dated 27.9.2017

allowed the same and thereby set aside the order of ejectment dated 7.4.2017 passed by the Rent Controller, U.T., Chandigarh.

3. Resultantly, the instant revision petition at the hands of the landlord assailing the judgment dated 27.9.2017 passed by the Appellate Authority, Chandigarh.

4. During the course of resumed hearing today, learned counsel representing the tenants/respondents makes a statement that he has instructions not to oppose the instant revision petition subject to a reasonable time being afforded to vacate the premises in question. He further submits that provisional rent assessed at ₹1.30 lakhs per month has been paid upto date and tenant would be willing to pay rent at the rate of ₹2 lakhs per month for any time that may be so granted by this Court.

5. Such offer and submission made on behalf of the tenants/respondents is not opposed by Mr.RS Athwal, Advocate, who is on instructions from the petitioner/landlord and who happens to be present in Court.

6. In view of such consensus having been arrived at, the present petition is allowed. Impugned order dated 27.9.2017 passed by the Appellate Authority, U.T., Chandigarh is set aside. Consequently, the order of ejectment dated 7.4.2017 passed by the Rent Controller, U.T., Chandigarh is restored.

7. However, 18 months' time commencing w.e.f. 1.9.2018 is granted to the tenants/respondents herein to vacate the premises in question subject to their furnishing an undertaking on or before 15.9.2018 before the learned Rent Controller, U.T., Chandigarh that they shall hand over actual, physical, vacant

possession of the demised premises to the petitioner/landlord on or before 29.2.2020. The undertaking shall also state that the entire arrears of rent, if any, at the rate of ₹1.30 lakhs per month upto 31.8.2018 have been cleared and the tenants/ respondents shall pay future rent at the rate of ₹2 lakhs per month w.e.f. 1.9.2018 to 29.2.2020 by the 10th of each calender.

8. Needless to say, that any violation of the aforesaid terms shall entitle the petitioner/landlord to seek eviction forthwith, with police help and without resort to any other remedy besides the tenants/respondents making themselves liable for contempt proceedings.

9. Instant revision petition is allowed and disposed of in the aforesaid terms.

AUGUST 28, 2018
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

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