

In the High Court of Punjab and Haryana at Chandigarh

CR No. 8315 of 2017(O&M)

Date of Decision: 9.1.2018

Manju and others

---Petitioners

versus

Arvinder Singh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rajesh Gupta, Advocate
for the petitioners
Mr. Rahul Rampal, Advocate,
for the respondents

Rekha Mittal, J.

The present petition filed by legal representatives of Raj Kumar (since deceased) calls in question orders passed by the Courts below whereby application for eviction of tenant(s) has been allowed on account of failure to pay provisional rent assessed by the Rent Controller.

On December 05, 2017, notice of motion was issued to the limited extent for grant of reasonable time to the petitioners to shift business from the demised premises namely shop measuring 7' x 11" forming part of property No. 48/12, M.C.No.2289/1, Jawahar Nagar Camp, Ludhiana, detailed in head note of the petition (Annexure P-1).

Counsel for the petitioners would urge that as per instructions given by Manju widow of late Sh. Raj Kumar, present in person in the Court, petitioners may be given one year's time to enable them to shift their business to an alternative place.

Counsel representing the respondents would state that reasonable time may be given for vacation of the demised premises but the

petitioners may be directed to clear the arrears of rent as well as future rent before handing over possession of the demised premises in terms of order to be passed by this Court.

Counsel for the petitioners, in reply, has submitted that the petitioners are ready to clear arrears of rent amounting to more than Rs. One lakh till 31.12.2017 by way of easy instalments but they would pay the future rent every month in pursuance of the directions issued by this court.

In view of the above, the present petition stands disposed of. The orders passed by the courts below for eviction of the petitioners are affirmed. However, the petitioners are given nine months time to vacate the premises subject to following conditions:-

1. They will hand over vacant possession of the demised premises to the respondents on or before 30.09.2018.
2. They will pay arrears of rent outstanding upto 31.12.2017 by payment of Rs. 25,000/- each month from January 2018 to April 2018. The balance amount out of arrears shall be paid in the month of May 2018.
3. They shall pay rent from January 2018 onwards by the 20th of each calendar month till 30.9.2018.
4. In case the petitioners fail to pay arrears of rent upto 31.12.2017 plus costs and interests assessed by the Rent Controller by way of instalments or future rent in the aforesaid terms fixed by this Court, single default on their part would entitle the respondents to execute eviction order.
5. They will furnish an undertaking by way of affidavit before the Executing Court within three weeks to pay outstanding

arrears, future rent in the aforesaid terms and to vacate and
hand over vacant possession of the demised premises to the
respondents on or before 30.9.2018.

(Rekha Mittal)
Judge

9.1.2018

PARAMJIT	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No