

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

**C.R. No. 924 of 2018
Date of decision : 01.03.2018**

Arun KumarPetitioner

versus

Mohinder Singh ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.S. Rana, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner (tenant)-Arun has filed the present civil revision against the findings recorded by Ld. Rent Controller, Phagwara and the Appellate Authority, Kapurthala, vide orders dated 20.02.2017 and 02.01.2018, respectively for ejectment of respondents under Section 13 of the East Punjab Urban rent Restriction Act, 1949, whereby he has been ordered to be evicted from the demised premises i.e. shop situated at Phagwara Sharki, Prempura Road, Phagwaara, District Kapurthala on ground of “personal necessity”.

A perusal of the impugned order(s) show that demised shop was taken by the tenant on rent @ Rs. 1700/- per month from the respondent and as such, there was relationship of and tenant between petitioner and respondent. The original owner Mohinder Singh vide rent note dated 08.11.2011 had given the dispute shop on rent to the petitioner. The petitioner was in arrears of rent since June, 2013 and had also not paid the House Tax since the inception of tenancy, therefore the respondent wanted to vacate his shop on the ground of personal necessity as his son decided to open General cum Grocery store in the disputed shop along with its adjoining two shops after renovation.

It is also not in dispute that the tenancy is since the year of 2011. It is further submitted that petitioner (tenant) is running the business in the demised premises.

After arguing at length and having failed to convince the court on merits, learned counsel for the petitioner (tenant) wishes to withdraw the 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Accordingly, this petition is dismissed as withdrawn, however, one and half year time commencing w.e.f. 01.03.2018 is granted to the petitioner-tenant for making alternative arrangement, subject to furnishing an undertaking on or before 19.03.2018 before the court of learned Rent Controller, Phagwara that he shall hand over actual physical vacant possession of the demise premises (shop) to the respondent/landlord by 31.08.2019. The undertaking shall also state that he has cleared all arrears of rent and shall continue to pay future rent w.e.f. 01.03.2018 at the rate of Rs. 2000/- 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.

March 01, 2018
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No