

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

-.-

CR 950 of 2016 (O&M)

Date of decision: 05.04.2018

Baljinder Singh

..... *Petitioner*

Versus

Gurdeep Chand and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Parveen Kumar Garg, Advocate
 for the petitioner

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Rekha Mittal, J. (Oral)

The present petition directs challenge against concurrent findings recorded by the Courts whereby application filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the petitioner (respondent therein) from the house in question was allowed on the ground of bona fide personal necessity by the Rent Controller, Suman and eviction order came to be affirmed by the appellate Authority on 04.01.2016.

After arguing for some time, counsel would state that the petitioner does not press the petition on merits but he may be given reasonable time to make alternative arrangement for his residence as he has purchased a plot and needs time to construct the house.

Perusal of the records would reveal that the present petition was filed in February 2016 and since then, it has been adjourned for one reason or the other and in the process, the petitioner has already enjoyed the property for the past more than two years since eviction order was affirmed

by the appellate Authority.

Counsel would inform that application for execution has been filed by the respondents and the same is pending in the Court and till date, he continues to be in possession of the suit property.

As the petitioner has offered to hand over vacant possession of the demised premises within time to be allowed by the Court, the present petition stands disposed of. Orders of eviction passed by the Courts are affirmed. He is given time upto 31.08.2018 to vacate the demised premises, subject to following conditions:-

- i) the petitioner shall hand over vacant possession of the demised premises to the respondents on or before 31.08.2018;
- ii) he shall deposit arrears of rent/mesne profits (if assessed by the appellate authority) upto date within a period of 15 days by way of deposit with the Rent Controller, Suman;
- iii) Rent/mesne profits of the subsequent months shall be deposited on or before 7th of each calendar month till the possession is handed over to the respondents; and
- iv) The petitioner shall furnish an undertaking before the Rent Controller, Sunam within a period of 15 days from today that he will hand over vacant possession of the tenancy premises to the respondents on or before 31.08.2018.

Failure of the petitioner to comply with either of the aforesaid conditions would entitle the respondents to execute the eviction order forthwith.

(Rekha Mittal)
Judge

05.04.2018

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