

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 9051 of 2017
Date of decision:- 01.02.2018

Harjinder Singh (since deceased) through his LRs ...Petitioner

Versus

Shri Jagdish Raj ...Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Siddharth Gupta, Advocate, for the petitioner.

RITU BAHRI J. (Oral)

CM No.27760-CII of 2017

For the reasons stated in the application, delay of 8 days in filing the revision is condoned.

Application stands disposed of.

Main Case

Petitioner Harjinder singh (since deceased) through his legal representatives has filed the present civil revision against the findings recorded by Ld. Rent Controller, Amritsar and the Appellate Authority, amritsar, vide orders dated 11.08.2015 and 18.10.2017, respectively, whereby he has been ordered to be evicted from the demised premises i.e. Khana Shumari No.137/1, Ravi Dass Road, Hall Bazar, Amritsar on ground of non payment of rent and “personal necessity”, as well as on the ground that applicant intends to carry out his business alongwith his son Kunal who was unemployed having no job to do.

A perusal of the impugned order(s) show that the landlord (respondent herein) wanted to get the shop vacated on the ground that demised premises was bonafide required by him for his own use and occupation and also for his son Kumar Arora, who was idle and further the petitioner is running business of travel agency/tour and travels. A perusal of the impugned order further shows that petitioner is in arrears of rent w.e.f 08.07.2002 @ 550/- per month as such, the respondent-landlord is wanted to

vacate the said premises.

It is also not in dispute that the tenancy is since the year of 1991. It is further submitted that petitioner (tenant) is running the business since 15.03.1991 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Accordingly, this petition is dismissed as withdrawn, however, 12 months' time commencing w.e.f. is granted to the petitioner tenant for making alternative arraignment, subject to his furnishing an undertaking on or before 22.03.2018 before the court of learned Rent Controller, Amritsar that he shall hand over actual physical vacant possession of the demise premises (shop) to the respondent/landlord by 01.03.2019, 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.3000/- 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.

01.02.2018
anil

(RITU BAHRI)
JUDGE

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