

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

**CR No.9066 of 2017 (O&M)**

**Date of decision: 16.11.2018**

**Raj Kumar**

**....Petitioner**

**VERSUS**

**Rajinder Singh**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Chetan Goel, Advocate for the petitioner.

Mr. Pankaj Bhardwaj, Advocate for the respondent.

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**REKHA MITTAL, J.(Oral)**

The present petition directs challenge against concurrent findings of fact recorded by the Courts whereby application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short 'the Act') for eviction of petitioner (respondent therein) from Shop No.1703, measuring 15.9 ft. x 11.6 ft. on the ground floor shown as ABCDEF in the site plan (Annexure P-2) was allowed by the Rent Controller, Chandigarh vide order dated 07.10.2015 and the petitioner/tenant remained unsuccessful before the Appellate Authority as the appeal preferred by the petitioner did not find favour with the said Court.

Counsel for the petitioner would state that the petitioner has already deposited mesne profits till November 2018 and he is ready to hand over vacant possession of the tenancy premises to the respondent, if he is given reasonable time to make arrangement of alternative accommodation.

Counsel for the respondent/landlord has got no objection if the petitioner is given three months' time to hand over vacant possession of the tenancy premises as respondent desperately needs the shop in question for his bona fide personal necessity.

In view of the above, the petition stands disposed of. Order of eviction passed by the Rent Controller and affirmed in appeal by the Appellate Authority is ordered to be confirmed subject, however, to the following conditions:-

1. The petitioner shall vacate and hand over vacant possession of the tenancy premises to the respondent/landlord on or before 30.04.2019.
2. The petitioner shall deposit the mesne profits assessed by the Appellate Authority upto 30.04.2019 within a period of one month by way of demand draft in the name of respondent with the Rent Controller, Chandigarh
3. The respondent shall be entitled to file an application before the Rent Controller, Chandigarh for withdrawal of mesne profits deposited till date and mesne profits upto 30.04.2019 to be deposited by the petitioner in terms of order passed by this Court.
4. The petitioner shall furnish an undertaking before the Rent Controller, Chandigarh within a period of 15 days from today that he will hand over vacant possession of the tenancy premises to the respondent/landlord on or before 30.04.2019.

Failure of the petitioner to comply with directions of this Court with regard to deposit of mesne profits and furnishing of an undertaking within the stipulated period would entitle the respondent/landlord to execute the eviction order forthwith.

Disposed of accordingly.

**NOVEMBER 16, 2018**  
'D. Gulati'

**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No