

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3160 of 2015 (O&M)

Date of decision:- 09.03.2018

Surinder Kumar

...Petitioner

Versus

Leelawanti

...Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Gopal Sharma, Advocate, for the petitioner.

Mr.Vivek Goyal, Advocate, for the respondent.

RITU BAHRI J. (Oral)

Petitioner (tenant)-Surinder Kumar has filed the present civil revision against the findings recorded by Ld. Rent Controller, Kurukshetra and the Appellate Authority, Kurukshetra, vide orders dated 26.07.2013 and 26.02.2015, respectively, whereby he has been ordered to be evicted from the demised premises on the ground of personal necessity.

A perusal of the lower appellate Court order shows that respondent/landlady herein had established bona fide requirement of demised shop for commencing the business of her son and husband. Ramesh Singh son of the landlady while appearing as PW-2 had made a statement that he had not other source of income and by getting the demised shop evicted, he along with his father shall commence their business. This fact has not been disputed by the petitioner/tenant by leading any other evidence. A perusal of the order further reveals that petitioner/tenant while appearing as RW-1 had admitted that shop No.134 owned by landlady had already been let out to Suresh Kumar, whereas shop bearing No.132 owned by respondent/landlady was in occupation for her another son namely Yash Pal.

Learned counsel for the respondent/landlady has informed this Court that shop No.134 which was in occupation of tenant namely Suresh Kumar has been vacated and after vacation of the present shop, both the

shops will be clubbed for personal use of her son and husband.

After going through the records and hearing counsel for the parties, this Court is of the opinion that problem of respondent/landlady is genuine and eviction order has been rightly ordered.

Learned counsel for the petitioner submits that the tenancy is since the year of 1992. It is further submitted that petitioner (tenant) is paying the rent of Rs.490/- per month for the said 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, eighteen months' time commencing w.e.f. 01.04.2018 is granted to the petitioner tenant for making alternative arrangement and payment of arrears of rent if any, subject to his furnishing an undertaking on or before 01.04.2018 before the Court of learned Rent Controller, Kurukshetra that he shall hand over actual physical vacant possession of the demise premises (shop) to the respondent/landlord after 18 months i.e. on 30.09.2019. 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.1000/- 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.

09.03.2018

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(RITU BAHRI)
JUDGE

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