

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

**Civil Revision No.2898 of 2015 (O&M)
Date of Decision: 23.07.2019**

Brij Mohan

..... Petitioner

VERSUS

Dr. Vijay Sharma

..... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Divanshu Jain, Advocate,
for the petitioner.

Mr. A.D.S. Sukhija, Advocate,
for the respondent.

JAISHREE THAKUR, J.(Oral)

CM-13675-CII-2019

This is an application that has been filed under Order 22 Rule 4 read with Section 151 CPC for bringing on record the legal heirs of the appellant, namely, Brij Mohan, who is stated to have expired on 01.1.2019.

For the reasons mentioned in the application, the same is allowed.

The persons named in para 4 of the application are ordered to be brought on record.

Amended memo of parties is taken on the record.

Civil Revision No.2898 of 2015

1. This is a revision petition that has been filed seeking to challenge the order dated 28.07.2012 passed by the Rent Controller, Patiala ordering ejectment of the petitioner herein which order was subsequently affirmed by the Appellate Authority vide judgment dated 23.01.2015.

2. Learned counsel appearing on behalf of the petitioner at the very outset submits that the petitioner through his legal representatives would not challenge the said orders passed on merits, however, they should be allowed two years time to vacate the demised premises considering the fact that the petitioner has been in peaceful occupation of the same for more than 50 years. It is stated that they are ready and willing to hand over the vacant possession of the demised premises within the stipulated period and would also furnish individual/ joint affidavit(s) to the effect that peaceful possession of the demised premises would be handed over.

3. Learned counsel appearing on behalf of the respondent submits that the respondent-landlord is aged 81 years and needs the premises for his own use and occupation and, therefore, the period of two years that is sought for would not be acceptable to him.

4. I have heard learned counsel for the parties and without going into the merits of the case, I deem it appropriate to confirm the orders of ejectment while allowing the plea of the petitioners herein to retain possession for a period of 18 months from today. This period

is being allowed taking into account the fact that the original tenant had been in the said premises for the last more than 50 years and had been conducting his business from there. However, the newly added petitioners herein are permitted to retain the premises upto 31.01.2021 subject to the following conditions :-

(i) That the petitioners will file their individual/joint undertaking/ affidavit before the Rent Controller within three weeks stating that they would hand over vacant possession of the tenanted premises to the respondent-landlord on or before 31.01.2021.

(ii) That the petitioners herein would clear all arrears of rent or mesne profit, if any, assessed by the Rent Controller/Appellate Authority within a period of one month as of date.

(iii) That they will continue to pay the future rent on or before 7th day of each calendar month.

4. In case, the petitioners-tenants fail to file undertaking/ affidavit within a period of three weeks or fail to comply with any of the conditions, the respondent-landlord would be entitled to execute the order of eviction forthwith.

Disposed of accordingly.

23.07.2019

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.