

In the High Court of Punjab and Haryana at Chandigarh

CR No. 3569 of 2018(O&M)

Date of Decision: 13.5.2019

Mohinder Lal

---Petitioner

versus

Ramesh Gilhotra and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mohinder Lal, petitioner in person
Mr. Mukesh Rao, Advocate
for the petitioner**

Rekha Mittal, J.

Mr. R.S.Guron, Advocate, has caused appearance on behalf of respondent No. 1 and filed vakalatnama in the court. The same is taken on record.

After arguing for sometime, counsel for the petitioner, on instructions from petitioner present in the court, would state that he does not press the petition on merits but the petitioner may be given two years' time to vacate and hand over vacant possession of tenancy premises to respondent No. 1. It is further stated that the petitioner shall continue depositing mesne profits at the rate assessed by the Appellate Authority in consonance with the order passed by the Appellate Authority till the shop is vacated.

Counsel for respondent No.1 has got no objections in case the petitioner is given 1½ years' time for vacating the premises. He would state

that respondent No. 1 may be allowed to withdraw the arrears of mesne profits deposited by the petitioner in compliance with the order passed by the Appellate Authority and mesne profits to be deposited in future.

Counsel for the petitioner, in reply, would state that the petitioner has got no objection if respondent No. 1 is permitted to withdraw arrears of mesne profits deposited earlier or to be deposited in future but withdrawal of arrears of mesne profits by respondent No. 1 would discharge his obligation towards all the co-landlords/owners of the property in question.

Counsel for respondent No. 1 agrees to the same.

In view of the above, the petition stands disposed of. The order passed by the Rent Controller and affirmed by the Appellate Authority is confirmed, subject to the following conditions:-

1. The petitioner shall vacate and hand over vacant possession of the tenancy premises to respondent No. 1 on or before 30.5.2021.
2. The petitioner shall deposit arrears of mesne profits till date, assessed by the Appellate Authority within a period of 15 days from today with the Rent Controller concerned. The mesne profits at the same rate shall be deposited for the future months till vacation, in consonance with the order passed by the Appellate Authority.
3. The petitioner shall furnish an undertaking before the Executing Court/Rent Controller concerned that he will hand over vacant possession of tenancy premises to respondent No. 1 on or before 30.5.2021.

Respondent No. 1 shall be entitle to withdraw arrears of mesne profits deposited by the petitioner and mesne profits to be deposited in future, as per rules. Withdrawal of mesne profits by respondent No. 1 shall discharge the petitioner of liability to pay for use and occupation charges qua all the landlords/owners of the building in question.

Failure of the petitioner to comply with either of conditions 2 and 3 would entitle respondent No. 1 to execute the eviction order forthwith.

(Rekha Mittal)
Judge

13.5.2019

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No