

In the High Court of Punjab and Haryana at Chandigarh

**CR- 670 of 2019(O&M)
Date of Decision:30.1.2019**

Gurinder Singh

---Petitioner

versus

Jasraj Pal Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. A.S.Gill. Advocate
for the petitioner**

**Mr. R.S.Bajaj, Advocate,
for the caveators-respondents**

Rekha Mittal, J.

The present petition direct challenge against concurrent findings of fact recorded by the courts whereby the respondents before the Rent Controller, Jalandhar namely Jaspal Singh, Gurvinder Singh and Yashpal Nagpal were ordered to be evicted from the tenancy premises i.e. Shop No. 34 (Ground floor portion only) built on area measuring 20' x 9'- 6" forming part of property No. BIX/3-408/35 situated at New Market, Model Town, Jalandhar, detailed in head note of the eviction application on three grounds i.e. subletting by respondent No. 1 therein in favour of respondent No. 2 and by respondent No. 2 in favour of respondents No. 3 therein; bona fide necessity for use and occupation by petitioners Jasraj Pal Kaur, Prabhjot Bal and Jasjot Ghuman and nuisance being created by Yashpal Nagpal, respondent No. 3 therein. The appeal preferred by Jaspal Singh

and Gurinder Singh did not find favour with the Appellate Authority, Jalandhar and eviction order on the aforesaid three grounds was affirmed.

The present appeal has been filed only by Gurinder Singh but through his attorney Yashpal Nagpal respondent No. 3 therein.

After arguing at length, counsel for the petitioner would state that he does not press the petition on merits but the petitioner may be given reasonable time to vacate the premises.

Counsel for the caveators would urge that Jaspal Singh and Gurinder Singh are not in India and the entire show is being run by Sh. Yashpal Nagpal through whom the present petition has been filed by Gurinder Singh being his attorney.

Counsel for the petitioner, in reply, would inform that Yashpal Nagpal is the attorney of both Gurinder Singh and Jaspal Singh and he is ready to comply with the terms and conditions to be ascertained by this court on behalf of Jaspal Singh and Gurinder Singh as well as for himself.

In view of the above, the eviction order passed by the Rent Controller, Jalandhar and affirmed by the Appellant Authority, is confirmed, subject, however, to the following conditions:-

1. The respondents before the Rent Controller, Jalandhar shall hand over vacant possession of the tenancy premises to the petitioners therein on or before 31.12.2019.
2. The respondents before the Rent Controller either in person or through their validly constituted attorney would furnish an undertaking before the Rent Controller, Jalandhar that they will hand over vacant

possession of the tenancy premises to the petitioners therein on or before 31.12.2019, within a period of 15 days from today.

3. The petitioner shall deposit arrears of mesne profits assessed by the Appellate Authority, Jalandhar upto 31.12.2019 within a period of two months from today by way of demand draft in the name of Jasraj Pal Kaur, widow of Jagbir Singh Ghuman.

Failure of the petitioner to comply with either of the conditions would entitle the respondents to execute the eviction order forthwith.

Disposed of accordingly.

(Rekha Mittal)
Judge

30.1.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No