

In the High Court of Punjab and Haryana at Chandigarh

CR No. 424 of 2019(O&M)

Date of Decision: 24.1.2019

Parminder Singh Chawla

---Petitioner

versus

Asha Rani

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

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

**Mr. Amarjit Markan, Advocate,
for the caveator-respondent**

Rekha Mittal, J.

The present petition directs challenge against concurrent findings of fact whereby eviction application filed by Asha Rani-respondent-landlady on the ground of bona fide personal necessity was allowed by the Rent Controller, Chandigarh vide order dated 18.9.2015 and appeal preferred by unsuccessful petitioner-tenant was dismissed by the Appellate Authority, Chandigarh on 27.11.2018.

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 time upto 31.1.2020 to vacate the premises. He has filed an affidavit in the shape of an undertaking of petitioner Parminder Singh Chawla in respect of vacating the premises on or before 31.1.2020 and payment of mesne profits

@ Rs. 40,000/- per month.

Counsel for the respondent-landlady has got no objection if the petition is disposed of in the light of terms and conditions incorporated in the affidavit/undertaking furnished by the petitioner but subject to qualification that arrears of mesne profits be paid by way of demand draft and mesne profits for the subsequent months to be deposited in the account bearing No.10001911973, State Bank of India, Sector-31-C, Chandigarh of respondent-landlady and the respondent may be allowed to withdraw the mesne profits, already deposited by the petitioner in terms of order dated 5.4.2017 passed by this Court in CR No. 2460 of 2017 titled "Parminder Singh vs. Asha Rani".

Counsel for the petitioner has got no objection for deposit of mesne profits as per proposal of the respondent and permitting her to withdraw the mesne profits already deposited in view of order dated 5.4.2017.

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

1. The petitioner shall hand over vacant possession of the tenancy premises to the respondent on or before 31.1.2020.
2. The petitioner shall pay arrears of mesne profits @ Rs. 40,000/- per month by way of demand draft in the name of respondent within a period of four weeks from today.
3. The petitioner shall continue to pay mesne profits @ Rs. 40,000/- per month on or before 10th of each calendar month by way of deposit in the account of the respondent.

Failure of the petitioner to comply with either of the aforesaid conditions would entitle the respondent to execute the eviction order forthwith and initiate appropriate proceedings for violation of the undertaking/affidavit furnished today.

Before parting with this order, it is necessary to mention that counsel for the parties are ad idem that CR No. 2460 of 2017 pending for 5.2.2019 may be disposed of on that date in terms of aforesaid agreement between the parties.

Disposed of accordingly.

(Rekha Mittal)
Judge

24.1.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No