

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

CR No.5438 of 2017 (O&M)

Date of Decision: 23.09.2019

Surinderpal Anil Kumar Dua

..... Petitioner

Versus

Rakesh Kumar

..... Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.K.Matto Advocate
for the petitioner.

Mr.K.S.Kehar, Advocate
for the respondent.

LISA GILL, J.(oral).

This revision petition has been filed by the petitioner, challenging order dated 17.07.2017, passed by the learned Appellate Authority, Yamuna Nagar at Jagadhri, whereby eviction petition filed by the respondent, has been allowed and order dated 01.04.2014, passed by the learned Rent Controller, Yamuna Nagar at Jagadhri, dismissing the landlord's petition seeking ejectment of the deceased, has been set aside.

Anil Kumar Dua and respondent-Rakesh Kumar, duly identified by their counsel are present in Court today.

Learned counsel for the petitioner, on instructions from the

petitioner, present in Court, submits that the petitioner does not press this petition on merits but some reasonable time be afforded to make alternate arrangements and hand over vacant, peaceful possession of the property in question.

The parties have conferred amongst themselves along with their learned counsel.

Learned counsel for the parties submit that it is agreed between them that the petitioner shall handover the vacant, peaceful possession of the demised premises on or before 31.12.2019. It is further agreed between the parties that respondent-landlord shall waive of arrears of rent, if any and shall also waive off the rent for the rest of the period till 31.12.2019. Application for fixation of mesne profits is sought to be withdrawn in view of the settlement.

Keeping in view the facts and circumstances of the case and specifically the stand of the parties, this petition is dismissed as not pressed. The petitioner is, however, permitted to retain possession of the demised premises till 31.12.2019, subject to the petitioner submitting a specific and categoric undertaking before the learned Rent Controller, Yamuna Nagar at Jagadhri to the effect that he shall hand over vacant, peaceful possession of the demised premises to the respondent-landlord on or before 31.12.2019. This undertaking shall be submitted by the petitioner within one week of receipt of certified copy of this order.

It is made clear that in case, the said undertaking is not furnished by the petitioner within a period of one week from the date of receipt of certified copy of this order or in case of any violation of the aforesaid terms, the respondent-landlord shall be entitled to seek eviction of the petitioner from the

demised premises forthwith, with police help and without recourse to any remedy, besides, the petitioner-tenant making himself liable to contempt proceedings.

Pending applications, if any, accordingly stand disposed of.

23.09.2019

s.khan

(Lisa Gill)

Judge

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No