

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

CR No. 5462 of 2018 (O&M)
Date of decision: 12.3.2019

Manjit Kaur alias Goldy

...Petitioner

Versus

Gurdev Singh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. M.S. Dhaliwal, Advocate,
for the petitioner.

Mr. Harshit Jain, Advocate,
for respondent No.1.

JAISHREE THAKUR, J.

1. This revision petition that has been filed seeking to challenge an order of eviction passed by Rent Controller, Dhuri, against the petitioner herein, which was subsequently affirmed by the Appellate Authority, Sangrur.

2. In brief, facts are that the respondents 1 and 2 filed an eviction petition against the petitioner herein on the ground of subletting and that the petitioner tenant was in arrears of rent. After the evidence was led and the same appreciated, the Rent Controller ordered eviction and directed the petitioner/tenant to hand over vacant possession of the demised premises to the landlord. The Appellate Authority too affirmed the order. Aggrieved against that orders, the instant revision has been filed.

3. On 1.2.2019, learned counsel for the petitioner, after arguing for some time, did not press the instant revision, however, sought three months' time to vacate the premises. It was contended that the petitioner is a widowed lady and that her son had met with an accident and, therefore, it is difficult for her to make alternate arrangements. It is in this back ground that time was sought to vacate the tenanted premisses. Learned counsel for the petitioner further stated that the petitioner would furnish an undertaking with the executing court that the petitioner would hand over the vacant possession of the premises on or before 4th May, 2019 and clear all arrears of rent within two weeks.

4. In view of the statement made by the learned counsel for the petitioner, this Court issued notice of motion for 8.3.2019 and in the meantime it was directed that in the event of the petitioner furnishing an undertaking with the executing court, in terms of the statement made in the Court, along with an undertaking that the petitioner would clear all arrears of rent within a period of two weeks and would continue to make deposit of future rent by the 7th of each calendar month, the executing court would adjourn the matter till 6th May, 2019.

5. On 8th March, 2019, this Court was informed that the undertaking has not been filed before the executing court in terms of the order dated 1.2.2019 nor arrears of rent was cleared within the time specified in the order and the matter was adjourned for today.

6. Today learned counsel for the petitioner sought more time to file the undertaking and to clear the arrears of rent. It is reiterated that on account of the fact that the son of the petitioner met with an accident, the

petitioner herein was not able to furnish the said undertaking or clear the arrears of rent.

7. I have heard learned counsel for the parties and find that both the courts below have ordered eviction of the petitioner. The Appellate Authority by the impugned order dated 30.4.2018 had dismissed the appeal and gave the petitioner two months time to hand over the vacant premises. However, despite the two months having been lapsed, the petitioner continued to remain in the tenanted premises and preferred the instant revision only to buy more time, because at the time of motion hearing the learned counsel for the petitioner did not press the instant revision and rather sought three months time to vacate the tenanted premises. He also undertook to file an undertaking before the executing court to that effect as well as undertook to clear the arrears of rent within a period of two weeks.

8. Since there is no compliance of the order dated 1.12.2019 of clearing arrears of rent and furnishing undertaking regarding vacation of the premises, this Court finds no ground to interfere in the matter. Needless to mention that the petitioner has availed more than 11 months time from 30.4.2018, when the Appellate Authority passed the eviction order.

9. For the aforesaid reasons, the revision petition is dismissed.

12.3.2019
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No