

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 6463 of 2018 (O&M)
Date of decision: 19.03.2019

Ganesh and another

...Petitioners

Versus

Dinesh Chander Sharma and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Karan Grover, Advocate,
for the petitioners.

Mr.Dhawaljeet Dutta, Advocate,
for the Caveator-respondent No.1.

JAISHREE THAKUR, J. (ORAL)

This is a revision petition that has been filed seeking to challenge the eviction order passed by the Rent Controller which order has been affirmed by the Appellate Authority, Gurdaspur vide its judgment dated 26.10.2017.

Without pressing the matter on merits, counsel for the petitioners prays for some reasonable time to vacate the said property. He prays for a period of one year to do so.

The Caveator, however, opposes the said prayer by contending that the eviction was ordered by the Rent controller as far back as 18.05.2017 and subsequently the said order was affirmed by the Appellate

Authority. It is contended that despite the orders of eviction, possession has not been handed over as on date. It is also argued that even though the Civil Revision had been filed in this Court as far back as January, 2018 with an application for condonation of delay in re-filing, the matter has been pressed only today when the execution petition has been filed and warrants of possession has been issued for 30.04.2019.

I have heard learned counsel for the parties and have also perused the impugned judgments.

However, this Court is not inclined to allow a years time to the petitioners herein to vacate the demised premises considering that the petitioners have been in occupation of the demised premises despite the orders of ejectment. In this situation, this Court deems it appropriate to allow the petitioners herein to vacate the premises within a period of four months from today subject to them filing an undertaking within a period of two weeks from today stating that they will vacate and hand over the possession to the landlord along with clearing all arrears of rent within a period of two weeks and would continue to make the payment of rent/mesne profits on or before the 7th day of each month.

In the meantime, the execution proceedings are stayed. However, in case the said undertaking is not furnished within the stipulated period of two weeks or arrears cleared, the stay will stand vacated.

Petition stands disposed of accordingly.

19.03.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned	Yes.
Whether reportable	No.