

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

**Civil Revision No.6825 of 2017 (O&M)
Date of Decision: January 09, 2019**

Satinder Katyal and another

..... Petitioners

VERSUS

Surender Sharma (since deceased through LRs) and another

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kunal Dawar, Advocate
for the petitioners-tenants.

Mr. Amit Jain, Advocate
for the respondents.

JAISHREE THAKUR, J.(Oral)

The petitioners-tenants herein seek to challenge the judgment dated 26.08.2014 passed by Rent Controller, Gurugram, whereby the eviction petition filed in respect of two shops owned by original petitioners therein was allowed, in appeal the Appellate Authority has partly allowed the appeal while setting aside the judgment of the Rent Controller qua shop No. 1 of performa respondent, however, qua shop No.2, the appeal has been dismissed while upholding the order of eviction.

Notice was issued on the statement of learned counsel for the petitioners that he has instructions that the petitioners-applicants would not press this petition on merits in case they are given adequate time to vacate

the shop which has been under their tenancy for the last about 30 years.

On the last date of hearing, Mr Amit Jain Advocate, appeared on behalf of the respondents and sought time to get instructions.

Today, learned counsel for the petitioners on instructions from the petitioners prayed that that petitioners be allowed reasonable time for making arrangements of alternative accommodation as well as for vacating/ handing over the possession of the tenanted premises to the respondents-landlords.

Mr. Amit Jain, Advocate, who is present in the court on behalf of the respondents on instructions from the respondents-landlords does not object in case, reasonable time is allowed to the petitioners-tenants to vacate the tenanted premises, subject to their depositing/clearing the entire arrears of rent upto date as well as regularly paying the future rent/ mesne profit as assessed by the Appellate Authority and furnishing an undertaking to the effect that they will hand over vacant possession of the tenanted premises to the the respondents-landlords.

In view of the above, this revision is disposed of being not pressed. Order of eviction dated 26.08.2014 passed by the Rent Controller, which was partly affirmed in appeal by the Appellate Authority is confirmed. However, the revision petitioners are allowed period upto 30th September, 2019 to vacate the tenanted premises, subject to the following terms:-

(i) The petitioners-tenants will pay/deposit the entire due rent/ mesne profit upto January, 2019 within a period of two weeks.

(ii) They will keep on paying/depositing the mesne profit as assessed by the Appellate Authority of subsequent months upto 30.09.2019 on or before 7th day of each calendar month.

(iii) They shall file their joint affidavit before the Rent Controller within two weeks giving details of entire payment of rent and an undertaking to vacate and hand over vacant possession of the tenanted premises to the respondents-landlords on or before 30th September, 2019

In case, the petitioners-tenants make default of any of the above-said terms, the respondents-landlords would be entitled to execute the order of eviction forthwith.

Disposed of accordingly.

09.01.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.