

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

CM No.24466-CII of 2018 in

CR No.7641 of 2018 (O&M)

Date of decision: 18.1.2019

Nishan Singh

....Petitioner

VERSUS

Lt. Col. Jatinder Pal Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Monika Singh, Advocate for
Mr. Navjot Singh Wahniwal, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

Heard.

In view of averments made in the application supported by an affidavit of Nishan Singh, the applicant-petitioner, the application is allowed. Delay of 112 days in re-filing the petition stands condoned.

Disposed of accordingly.

CR No.7641 of 2018

The present petition directs challenge against concurrent findings of fact whereby application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short 'the Act') for eviction of the petitioner from tenancy premises, detailed in head-note of the order passed by the Rent Controller has been allowed. The appeal preferred by unsuccessful petitioner/tenant was decided by the Appellate Authority, Ferozepur on 21.02.2018. Counsel for the petitioner would state that she does not press the petition on merits but some time may be

given to the petitioner to make arrangement of alternative accommodation for his business as he is tenant for the past many years.

In view of the above, the present petition stands disposed of. Order of eviction passed by the Rent Controller and affirmed in appeal is confirmed subject, however, to the following conditions:-

1. The petitioner shall hand over vacant possession of tenancy premises to the respondent/landlord on or before 31.08.2019.
2. The petitioner shall pay arrears of rent/mesne profits, if any assessed by the Appellate Authority upto 31.08.2019 by way of demand draft in the name of respondent, to be deposited with the Rent Controller, Ferozepur within a period of two months.
3. The petitioner shall furnish an undertaking before the Rent Controller, Ferozepur within a period of 15 days from today that he will hand over vacant possession of the tenancy premises to the respondent/landlord on or before 31.08.2019.

Failure of the petitioner to comply with either of the conditions would entitle the respondent/landlord to execute the eviction order forthwith.

In the meantime, warrant of possession issued by the executing Court (if not already executed) shall be kept in abeyance in order to enable the petitioner to furnish the undertaking and deposit arrears of rent/mesne profits in compliance with directions issued by this Court.

Disposed of accordingly.

JANUARY 18, 2019
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No