

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

CR 772 of 2019 (O&M)
Date of decision 04.02.2019

Prem Kumar

.....*Petitioner*

versus

Raj Kumar Banga

.....*Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Tanmoy Gupta, Advocate
for the petitioner

-.-

Rekha Mittal, J. (Oral)

The present petition directs challenge against consistent findings of fact recorded by the Courts whereby eviction application filed by Raj Kumar Banga, respondent/landlord on the ground of personal necessity for his son Abhinav @ Ankit was allowed by the Rent Controller, Hodal and affirmed in appeal by the Appellate Authority, Palwal.

After arguing for sometime, counsel for the petitioner would state that he does not press the petition on merit but the petitioner may be given reasonable time to make arrangement of alternative accommodation for his business. In view of the above, eviction order dated 28.08.2014 passed by the Rent Controller, Hodal and affirmed in appeal is confirmed, subject, however, to following conditions:-

- i) the petitioner shall hand over vacant possession of the tenancy premises to the respondent/landlord on or before 31.03.2020;
- ii) the petitioner shall furnish an undertaking

before the Rent Controller, Hodal within fifteen days from today that he will hand over vacant possession of the tenancy premises to the respondent on or before 31.03.2019; and

- iii) the petitioner shall clear arrears of rent till 31.03.2020 within fifteen days by way of demand draft in the name of respondent/ landlord as counsel for the petitioner would inform that no mesne profits have been assessed by the Appellate Authority;
- iv) The demand draft shall be deposited with the Rent Controller/Executing Court within fifteen days.

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

(Rekha Mittal)
Judge

04.02.2019
mohan bimbura