

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

**C.R. No. 967 of 2019 (O&M)
Date of Decision: 8.7.2019**

Rakesh Kumar

..... Petitioner

VERSUS

Sukhwinder Singh and others

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. B.K. Saini, Advocate,
for the petitioner.

Mr. Sukhwinder Singh—respondent No.1 in person.

JAISHREE THAKUR, J.(Oral)

The petitioner-tenant herein seeks to challenge the orders of the Rent Controller and the Appellate Authority, Hoshiarpur, by which the eviction petition filed by the respondents/landlords under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short '**the Act**') has been allowed and the petitioner has been directed to hand over the vacant possession of the demised premises to the respondents/landlords.

After arguing for some time, learned counsel for the petitioner, on instructions, does not press the instant revision on merits, however, prays that the petitioner 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.

On the other hand, Sukhwinder Singh—respondent No.1, who

appears in person, does not object to the prayer made by the learned counsel for the petitioner, in case reasonable time is allowed to the petitioner/tenant to vacate the tenanted premises, subject to his depositing/clearing the entire arrears of rent/mesne profits upto date as well as regularly paying the future rent and furnishing an undertaking to the effect that he will hand over the vacant possession of the tenanted premises to the respondents/landlords.

At this stage, learned counsel for the petitioner submits that the Rent Controller had assessed the rent at the rate of ₹400/- per month and the petitioner undertakes to deposit the same within the time to be prescribed by this Court. However, this Court cannot lose sight of the fact that the provisional rent had been assessed by the Rent Controller as far back as 12.12.2012 and there would have been a substantial increase since then. Therefore, the petitioner is directed to clear the arrears of rent with increase of 10% per annum on the rate of rent already assessed by the Rent Controller from the date of order passed by the Appellate Authority.

In view of the above, this revision is disposed of being not pressed. Order of eviction dated 28.9.2017 passed by the Rent Controller, which was affirmed in the appeal by the Appellate Authority, is confirmed. However, the petitioner is allowed period upto 31st January, 2020 to vacate the tenanted premises, subject to the following terms:-

- (i) The petitioner/tenant will pay/deposit the entire due rent/mesne profits upto July, 2019 within a period of one month from today.
- (ii) He will keep on paying/depositing the advance rent/mesne profits of subsequent months upto 31st

January, 2020 on or before 7th day of each calendar month.

- (iii) He will file an affidavit before the Rent Controller within two weeks giving details of entire payment of rent/mesne profits and undertaking to vacate and hand over the vacant possession of the tenanted premises to the respondents/landlords on or before 31st January, 2020.

In case, the petitioner/tenant makes default of any of the above-said terms, the respondents/landlords would be entitled to execute the order of eviction forthwith.

The revision petition stands disposed of with the above directions.

8.7.2019
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No