

CR No. 6323 of 2019

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

CR No. 6323 of 2019

Date of Decision: October 15, 2019

Baljeet

..... Petitioner(s)

Versus

Gurnam Singh

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Paras Sharma, Advocate
for the petitioner.

Mr. Vipin Mahajan, Advocate
for the respondent.

LISA GILL, J.(oral)

Mr. Vipin Mahajan, Advocate appears on behalf of the respondent. Power of attorney filed in Court today is taken on record, subject to just exceptions.

Present petition has been filed by the petitioner being aggrieved of order dated 27.05.2019, passed by the learned Civil Judge (Jr. Division), Gurdaspur vide which objections filed by the petitioner to the execution application has been dismissed. Ejectment order dated 03.01.2013 was passed against the petitioner and his appeal against the said order was dismissed on 07.09.2015. Civil Revision No. 6720 of 2015 filed by the petitioner was dismissed on 19.10.2015 while permitting him to retain possession of the demised premises for three months in view of the

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statement made by the counsel on his behalf, subject to the petitioner furnishing his undertaking before the learned Rent Controller. The petitioner, however, continued in possession and execution proceedings were initiated by the respondent i.e. on 17.04.2018, which were resisted by the petitioner taking a stand that the demised premises were let out on rent to him again by the landlord on 07.09.2015 at an enhanced rent.

The petitioner and the respondent duly identified by their counsel are present in Court. Petitioner submits that he does not press this petition on merits, however, he may be given some time to hand over vacant, peaceful possession of the property in question as his daughter's marriage is fixed for 18.01.2020. Petitioner further submits that he shall pay the rent @ Rs.1,500/- per month for these four months. Rent of Rs.1,500/- for the month of October, 2019 has been handed over to the respondent by the petitioner in Court today.

Respondent present in Court submits that he has no objection in case the petitioner is permitted to retain possession of the premises in question till 31.01.2020 provided he undertakes to hand over vacant, peaceful possession of the same on expiry of the said period and he does not back out from his undertaking.

Keeping in view the facts and circumstances of the case and specifically the stand of the parties, this petition is dismissed as not pressed. The petitioner, however, is permitted to retain possession of the demised premises till 31.01.2020, subject to the petitioner submitting a specific and categorical undertaking before the learned Executing Court to the effect that

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he shall hand over vacant, peaceful possession of the demised premises to the respondent-landlord on or before 31.01.2020. Furthermore, he shall continue to pay the agreed rent of the remaining three months, by 10th of each calender month. This undertaking shall be submitted by the petitioner within one week from receipt of certified copy of this order.

It is made clear that in case, the said undertaking is not furnished by the petitioner within a period of one week from the date of receipt of certified copy of this order or in case of any violation of the aforesaid terms, the respondent-landlord shall be entitled to seek eviction of the petitioner from the demised premises forthwith, with police help and without recourse to any remedy, besides, the petitioner-tenant making himself liable to contempt proceedings. It is further clarified that there is no expression of opinion on the merits of the matter.

October 15, 2019

Sunil

(Lisa Gill)
Judge

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