

CR No. 16460 of 2018(O&M)

Date of Decision: 11.4.2019

Bharat Sanchar Nigam Limited

---Petitioner

versus

Kamal Nain through LRs

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mrs. Kiran Bala Jain, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition directs challenge against concurrent findings of fact whereby application for eviction filed by Kamal Nain under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (in short “the Act”) on the ground of personal necessity was allowed by the Rent Controller, Rohtak on 29.11.2016 that came to be affirmed in appeal by the Appellate Authority, Rohtak on 3.11.2018.

Counsel for the petitioner, on instructions, would state that she does not press the petition on merits but reasonable time, may be, of two years, may be allowed in order to enable the petitioner to re-locate itself in an alternative accommodation as the petitioner needs to instal its towers etc. to a new place after getting dislodged from the place in question.

In view of the above, the order of eviction passed by the Rent Controller and affirmed in appeal is confirmed, subject, however, to the

following conditions:-

1. The petitioner shall vacate the tenancy premises on or before 30.4.2020 and hand over vacant possession of the tenancy premises to the respondent(now represented by his LRs.) on or before the said date.
2. The petitioner through its authorized representative shall furnish an undertaking before the Rent Controller, Rohtak within a period of three weeks that it shall vacate and hand over vacant possession of demised premises to the respondent on or before 30.4.2020.
3. The petitioner shall pay arrears of rent/mesne profits, if any, assessed by the Appellate Authority by way of deposit in the account of respondent(s) within a period of two months that would become due upto 30.4.2020.

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

Disposed of accordingly.

(Rekha Mittal)
Judge

11.4.2019

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No