

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Revision No. 5418 of 2018(O&M)

Date of Decision: March 07 , 2019.

Tilak Raj through LRs

..... PETITIONER (s)

Versus

Radha Kaushal

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sutikshan Sharma, Advocate
for the petitioners.

Mr. Radha Kaushal, Advocate
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This petition has been filed impugning judgments dated 21.07.2015 and 23.03.2018 passed by the learned Rent Controller, Ambala and the learned Appellate Authority, Ambala, respectively, whereby eviction of the petitioner from the demises premises has been ordered.

Notice of motion had been issued in this petition on 24.08.2018 on a specific submission of learned counsel for the petitioners that the impugned judgments are not challenged on merits, but the petitioners seek some time to

vacate the premises in question. It was further submitted that they would be ready to handover the vacant peaceful possession of the same to the respondent within one year from that day.

Petitioners (i) and (ii) – Smt. Uma Devi and Vijay as well as the respondent – Smt.Radha Kaushal, duly identified by their respective counsel, are present in Court.

Petitioners (i) and (ii) – Uma Devi and Vijay Kumar state that both of them are residing in the demised premises. Petitioners (iii) to (vi) i.e., the married daughters of Tilak Raj (deceased) are residing in their respective matrimonial homes. It is categorically stated that petitioners (iii) and (vi) do not reside at the demised premises and they have no connection with the property in question. Moreover, petitioners (i) and (ii) are competent to make a statement on their behalf. It is further stated that they shall handover the vacant peaceful possession of the demised premises to the respondent on or before 24.08.2019 and they shall also deposit the arrears of rent, if any, and continue to deposit the same by the 10th of each calendar month for the period they remain in possession of the property.

Respondent – Smt. Radha Kaushal, present in Court, states that she has no objection to the petitioners (i) and (ii) retaining possession of the demised premises till 24.08.2019, subject to the vacant peaceful handing over of the possession of the premises on or before 24.08.2019, besides, deposit of arrears of rent by the petitioners.

Keeping in view the facts and circumstances of the case as well as the specific stand of both the parties, this petition is dismissed as not pressed on

merits. However, petitioners (i) and (ii) are entitled to retain possession of the demised premises till 24.08.2019, subject to their furnishing an undertaking before the learned Executing Court/Rent Controller, Ambala to the effect that they shall handover the vacant peaceful possession of the property in question to the respondent on or before 24.08.2019 and further arrears of rent, if any, shall be deposited by them within four weeks from today and they shall continue to pay the same by the 10th of each calendar month for the period they remain in possession of the demised premises.

In case, the said undertaking is not submitted 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 petitioners from the demised premises forthwith, with police help and without recourse to any remedy besides the petitioners – tenant making themselves liable to contempt proceedings.

March 07, 2019.
'om'

(LISA GILL)
JUDGE

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