

CR-2038-2020 (O&M)

Date of decision : November 25, 2020

Tarlok Singh

.....Petitioner

Versus

Atul Sharma

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Akbarjit Singh, Advocate for the petitioner.

Mr. P.L. Singla, Advocate for the respondent.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This revision petition has been filed challenging orders dated 06.11.2017 and 18.02.2020, passed by the learned Rent Controller, Jagraon and the learned Appellate Authority, Ludhiana, respectively, whereby petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, filed by the respondent-landlord has been allowed and ejectment of the petitioner has been ordered.

During the pendency of this revision petition, the parties have amicably resolved the dispute. It is agreed that the petitioner – tenant would vacate the demised premises on or before 30.06.2021 and that he would pay arrears of mesne profits at the rate of Rs.5000/- from January, 2020 by 31.12.2020 and thereafter would continue to pay the mesne profits at the said rate by the 7th of every month till 30.06.2021, or for the period he retains possession of the demised premises if vacated prior thereto, subject to an undertaking to be given by the petitioner, in this regard before the learned Rent Controller/Executing court within two weeks.

Learned counsel for the respondent/landlord, on instructions from the respondent, submits that the respondent/landlord has no objection in case the petitioner is permitted to retain possession of the demised premises till 30.06.2021 provided he undertakes to hand over vacant, peaceful possession of the same on expiry of the said period and clear any arrears of rent/mesne profit and also regularly pay the rent/mesne profit for the period he retains possession of the demised premises. The respondent, it is submitted, shall provide the account number in which the amount in question shall be deposited by the petitioner within one week.

Keeping in view the facts and circumstances of the case and specifically the stand of the parties, no interference is called for. This petition is disposed of with the observation that the petitioner is permitted to retain possession of the demised premises till 30.06.2021, subject to the petitioner submitting a specific and categorical undertaking before the learned Rent Controller/Executing Court to the effect that he shall hand over vacant, peaceful possession of the demised premises to the respondent-landlord on or before 30.06.2021. Furthermore, he shall deposit arrears of rent/mesne profits, if any by 31.12.2020 and shall continue to pay/deposit the agreed rent/mesne profits by the 7th of each calendar month till then or for the period he retains possession if premises are vacated earlier. This undertaking be submitted by the petitioner within two weeks 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 two weeks 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.

November 25, 2020
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No