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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1019-2021 (O&M)

Date of Decision: 27.05.2021

Dharmender

.. Petitioner

Vs.

Stantosh Chawla and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Yash Dev Kaushik, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner (tenant) has filed this revision petition to challenge the order dated 08.03.2021, passed by the Appellate Authority, Faridabad in Rent Appeal No.8 of 2019, whereby the eviction order dated 10.05.2019 passed by the Rent Controller, Faridabad in case No. 33 dated 18.10.2016, against him in an eviction petition filed by the respondents (landlords) under Section 13 Haryana Urban (Control of Rent and Eviction) Act, 1973, was upheld.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 12.05.2021, which reads as under:

“Taken up through video conferencing.

In compliance of order dated 03.05.2021, an affidavit of the petitioner has been filed limiting his prayer only to the extent that the petitioner may be granted some time to vacate the premises.

Notice of motion only to the limited extent of extending the time for vacating the premises, returnable 27.05.2021.

To be shown in the urgent list.”

Today, in deference to the above order, the applicant-petitioner

has filed CM-4677-CII-2021 for placing on record his affidavit dated

06.05.2021 (Annexure A-1). The application is allowed and Annexure A-1 is taken on record.

As per this affidavit, the petitioner has prayed for a period of another one year to vacate the demised premises and to hand over the possession to the respondents, as presently, the petitioner is unable to vacate the premises because of the outbreak of Pandemic COVID-19. Also, as the petitioner and his family members are sick, so it would not be easy for him to arrange the alternative accommodation.

Learned counsel for the petitioner has prayed that the present prevailing circumstances are beyond the control of the petitioner, therefore, the period granted by the Rent Controller to vacate the house be extended by another one year. He states that the petitioner has given an undertaking on affidavit dated 06.05.2021 to vacate the house upon completion of the extended period.

At this stage, Mr. Amit Choudhary, Advocate appears on behalf of respondents and does not oppose the petitioner's prayer for extension of time to vacate the property, but according to him, one year is too long a period for the said purpose. He submits that currently, the rate of rent of the property in question is Rs.5,000/- per month, and in case, the petitioner is willing to pay the rent in advance at the same rate, he does not oppose his prayer for extension of time. He prays that instead of one year, a reasonable time be granted to him.

After hearing the learned counsel for the parties, this Court finds that the prayer made by the tenant is genuine, and is not even opposed by Mr. Amit Choudhary, Advocate for the landlord. Of course, the

again forced the state government of Haryana to impose various restrictions to clamp down the contagion, and the same are operative even today.

Resultantly, the limited prayer of the petitioner is accepted and it is ordered that the petitioner shall vacate the property in question within a period of six months i.e. on or before 30.11.2021, subject to the condition that he continues to pay the monthly rent of Rs.5,000/- per month in advance to the land lord. In the event of non-compliance of this order by the petitioner or violation of his undertaking, it shall be open for the respondents to move an application before this Court for his eviction, as well as to initiate the proceedings against him under the Contempt of Courts Act, 1971.

The revision petition is Disposed off.

27.05.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No