

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

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IN VIRTUAL COURT

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CR No.1670 of 2021 (O&M)

Date of Decision: 31.08.2021

Sham Lal

..... Petitioner

V/s.

Gagandeep Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Rajbir Sehrawat, J. (Oral)

This is a petition filed under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949 for setting aside the impugned order of eviction dated 15.04.2017 passed by the Rent Controller, Tarn Taran and judgment dated 12.02.2020, whereby, appeal against the order of eviction preferred by petitioner has also been dismissed.

At the outset, the counsel for the petitioner submits that he has been instructed to submit that the petitioner does not want to press the present petition on merits. However, he prays for granting some reasonable time to hand over the vacant possession to the respondent-landlord, keeping in view the COVID-19 pandemic situation.

Notice of motion.

Mr. Ranjodh Singh Sidhu, Advocate, accepts notice on behalf

of respondent-landlord.

The counsel for the respondent-landlord has submitted that earlier also the petitioner had vacated the present premises, however, he again occupied the same. Therefore, the respondent-landlord has an apprehension that the petitioner intends to delay the process of handing over the possession of the premises to the respondent-landlord. However, if strict conditions are imposed upon the petitioner qua vacation of the premises in question, the respondent does not have any objection to grant of some time to the petitioner to vacate the premises, even now.

In view of the above, it would not be unjustified if the petitioner is granted some time to hand over the vacant possession to the respondent-landlord, however, by putting him to certain onerous terms.

Accordingly, it is ordered that the petitioner shall hand over the vacant possession of the premises in question, to the respondent-landlord or his nominee, on or before 31.03.2022.

However, it is further ordered that if the vacant possession is not handed over by the petitioner to the respondent-landlord by 31.03.2022, then the respondent-landlord shall be entitled to take possession of the premises with the help of the police authorities without recourse to any further Court proceedings. Whatever material is found lying in the premises in question on or after 01.04.2022, at the time of taking of possession, the same shall be deemed to have been forfeited in favour of the respondent-landlord and he shall be fully entitled to retain the same, or to dispose it of, as his own property. If anything, illegal or objectionable is found in the premises at the time of taking of the vacant possession, the respondent would

be entitled to hand over the same to the police, without inviting any adverse consequences.

In the meantime, the petitioner shall also pay or deposit the rent as has already been determined by the Rent Controller, on or before 7th of every month, failing which the immediate eviction in the above said terms, shall follow. If any rent is deposited by the petitioner with the Rent Controller, the same shall be disbursed to the respondent-landlord, immediately.

Disposed of.

31st August, 2021

Sonia Puri

(RAJBIR SEHRAWAT)
JUDGE

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