

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

286

**CR No. 7382 of 2019
Date of decision : 22.9.2022**

Tejinder Singh

.....Petitioner

Vs.

Sandeep Saini

...Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: None for the petitioner

Mr. R.K. Chauhan, Advocate, for the respondent

TRIBHUVAN DAHIYA, J. (Oral)

1. At the time of issuing notice of motion on the limited issue on 21.11.2019, the following order was passed:

Counsel for the petitioner seeks to assail judgments and decrees of both, the Rent Controller and the Appellate Authority by stating that the Courts below have not appreciated the evidence on record.

However, after arguing for some time, he submits that reasonable opportunity be allowed to him to vacate the said premises, as petitioner has been doing business therein for more than 14 years. It is argued that the petitioner is willing to give an affidavit to the effect that he will hand over the vacant possession, as also clear all arrears of rent.

Issue notice for 09.12.2019 to the respondent on a limited issue.

Dasti as well.

In the meantime, Executing Court is directed to adjourn the matter to a date beyond the date given by this Court.

2. Thereafter, an application bearing CM No. 7006-CII of 2021 was filed by the respondent/landlord to vacate the stay order dated 21.11.2019, direction was also sought to the petitioner/tenant to clear the arrears of rent and hand over the possession of the disputed shops. On this application, the following order was passed on 24.8.2021:

Notice of the application.

Mr. Saini accepts notice. He is directed to ensure that the arrears

of rent are brought on the next date of hearing and also to give the affidavit as directed in the order dated 21.11.2019.

It is made clear that in case, the payment of arrears of rent is not made on the next date of hearing, the petition will liable to be dismissed on the said date.

To come up on 11.10.2021, the date already fixed.

- 3. None is present on behalf of the petitioner/tenant/non-applicant.
- 4. Learned counsel for the respondent/landlord submits that neither the arrears of rent have been paid by the petitioner/tenant, nor affidavit to hand over vacant possession of the premises has been filed.
- 5. Therefore, in these circumstances, the petition is dismissed.
- 6. All the pending miscellaneous applications, if any, stand disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

22.9.2022
Ashwani

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No