

In the High Court of Punjab and Haryana at Chandigarh

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CR-1089-2023 (O & M)

Date of Decision: February 17, 2023

TEJ BHAN

.....PETITIONER

VERSUS

JETHA NAND

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Aman Priya Jain, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 08.02.2023 whereby the application for deposit of rent in compliance of the order dated 02.12.2022 passed by this Court, has been declined.

Learned counsel for the petitioner submits that in the revision petition preferred by the petitioner against the order of eviction, this Court by order dated 02.12.2022 had directed him to handover the vacant possession of the premises on or before 02.09.2023. He was also required to clear the arrears of rent within a period of one month. The arrears of rent amounting to Rs.5000/- were sought to be deposited by the petitioner along with application preferred by him on 02.01.2023 but the Court instead of permitting to deposit the same issued notice to the respondent. By the impugned order, his application has been declined. He submits that there were Court holidays in the end of December, 2022 and immediately on re-opening on 02.01.2023, he had moved an application and deposited the rent on 11.01.2023.

Heard.

The petitioner had been directed by this Court on 02.12.2022 to hand over the vacant possession on or before 02.09.2023. He was to clear the arrears of rent within a period of one month. He had filed an application on 02.01.2023 seeking deposit of the arrears of rent. He was not allowed to tender the rent on that date. The arrears have been cleared on 11.01.2023. There does not seem any mala fide or intention on the part of the petitioner to delay the proceedings. The arrears amounting to Rs.5000/- has already been deposited. It would be in the interest of justice, if the petitioner is allowed to occupy the premises till 02.09.2023 as directed by this Court on 02.12.2022.

Consequently, the petition is allowed and impugned order is set aside. The petitioner shall abide by the terms and conditions set out in the order dated 02.12.2022 passed by this Court.

It is made clear that in case the petitioner defaults on the payment of rent or other terms and conditions set out by this Court in the order dated 02.12.2022, no further indulgence shall be shown to him.

This order has been passed without notice to the respondent and in the event of the respondent being aggrieved against the same, he would be at liberty to prefer an application in this regard.

(ANUPINDER SINGH GREWAL)
JUDGE

February 17, 2023
A.Kaundal

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No