

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(125)

CR No.1860 of 2023 (O&M)

Date of Decision:12.09.2023

Satish Kumar

.....Petitioner

Versus

Jawahar Lal

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWALPresent: Mr. Sanjiv Gupta, Advocate
for the petitioner.Mr. Rakesh Chopra, Advocate &
Mr. Jashan Chopra, Advocate
for the respondent.

VIKRAM AGGARWAL, J. (ORAL)

1. The present revision petition assails the judgments passed by the Courts below vide which the petitioner-tenant has been ordered to be evicted from shop bearing No.3230/1 situated at Sheran Wala Gate, Patiala.
2. At the outset, learned counsel for the petitioner, on instructions from petitioner-Satish Kumar states that the petitioner does not wish to challenge the judgments passed by the Courts below on merits and that since he is in occupation of the shop in dispute since 1973, he may be granted a period of one year for handing over the vacant possession of the same to the respondent-landlord.
3. Learned counsel, who has put in appearance on behalf of the respondent-landlord and has filed his memo of appearance submits that the respondent-landlord would have no objection if the said period is granted though being a senior citizen, the respondent-landlord seeks early eviction of the petitioner-tenant.

4. I have considered the submissions made by learned counsel for the parties.

5. Since the petitioner-tenant does not challenge the judgments passed by the Courts below on merits, I deem it appropriate to grant a period of one year to the petitioner-tenant to hand over the vacant possession of the shop in dispute to the respondent-landlord. The vacant possession of the shop in dispute shall now be handed over by the petitioner-tenant to the respondent-landlord on or before September 11, 2024. The petitioner-tenant shall file an undertaking in this regard before the Rent Controller within a period of seven days. In the undertaking, it will also be stated that the possession of the shop in dispute shall not be transferred in favour of any other person. The rent/*mesne* profits as assessed by the Courts below shall be continued to be paid to the respondent-landlord on or before the 10th of every month. In case of non-compliance of the statement given today in Court or in default of payment of rent/*mesne* profits, it would be open for the respondent-landlord to initiate proceedings in accordance with law by way of filing of an execution/contempt petition as the case may be against the petitioner-tenant.

The revision petition, while upholding the findings returned by the Courts below, is disposed of in the above-mentioned terms.

September 12th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

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