

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CR No.4013 of 2022 (O&M)

Date of Decision: 16.05.2023

Kailash Devi and others

...Petitioners

Versus

Vinesh Kumar through LRs

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Karan Sachdeva, Advocate, for the petitioners.

Mr. Ashok Kumar Khunger, Advocate, for the respondent.

VIKAS SURI, J. (Oral)

1. Challenge in the present revision petition is to the eviction ordered by the Rent Controller on the ground of personal necessity that was affirmed by the appellate Authority, returning concurrent findings.
2. The respondent-landlord is on caveat and is represented in these proceedings as such.
3. After arguing for some time, learned counsel for the petitioners prays that some reasonable time be granted to the petitioners to hand over vacant possession of the demised premises, keeping in view the fact that petitioners have been tenants in the demised premises since long and they need some time to find a suitable alternate accommodation.
4. Learned counsel for the parties have had a brief discussion amongst themselves and arrived at a broad consensus, which is informed to the Court as under:-

“i) Subject to an undertaking to be filed before the Rent Controller in a time bound manner, the petitioners would be permitted to continue to occupy the premises up to 31.01.2024 and on payment of sum of Rs.3500/- per month towards damages for usage and occupation w.e.f. 01.05.2023 and payment of entire arrears of rent, if any, along with filing of the aforesaid undertaking.

ii) The amount towards *mesne* profits for future months, would be paid on or before 10th of every calendar month, which amount be remitted directly into the account of the landlord, the details of which are as under:-

“Name:	Sunita Jain
Account No:	39636058086
Bank :	State Bank of India
Branch:	East Patel Nagar, New Delhi.
IFSC:	SBIN0001282”

5. Heard learned counsel for the parties.

6. In light of the consensus arrived at between the parties and the joint prayer for disposal of the instant revision petition in terms of the same and submissions made before this Court, the present revision petition is accordingly disposed of with the following directions:-

(a) Subject to the undertaking being filed by the tenant-petitioners before the Rent Controller within four weeks from today, acknowledging the oral undertaking given before this Court as recorded in the present order, the petitioners are granted time to hand over vacant possession of the demised premises till 31.01.2024 and on payment of sum of Rs.3500/- as damages for use and occupation w.e.f. 01.05.2023 and payment of entire arrears of rent, if any.

- (b) The amount towards *mesne* profits up to 31.01.2024, would be paid on or before 10th of every calendar month it pertains to and the said amount will be directly remitted into the account of the landlord (Sunita Jain), details of which are mentioned in the consensus noticed above.
- (c) It is directed that in case the petitioners fail to vacate the premises within the aforesaid time or they fail to remit the *mesne* profits as stipulated, it would be open to the respondent-decree holder (landlord) to press the pending execution petition for immediate delivery of possession, which for the time being be deferred to a date beyond the target date. If such situation arises, the landlord is at liberty to move an appropriate application in the pending execution petition notifying the default by the petitioners.
- (d) In either of the above eventuality, the executing Court is not required to issue any further notice to the tenant-petitioners and the executing Court will see that delivery of possession is effected within a period of fifteen days from the date of filing of the application aforementioned.
- (e) In case for delivery of possession any armed force is necessary, the same shall be deputed by the Senior Superintendent of Police, Fazilka, within forty-eight hours from the date requisition is received therefor. The executing Court shall also simultaneously grant orders for breaking open the locks at the first instance itself, to execute the warrants of possession with police help.
- (f) It is also directed that in case anybody else, other than the petitioners, is found in possession, he shall also be dispossessed from the demised premises and vacant possession thereof be delivered to the landlord-respondent herein.

7. It is, however, clarified that in case the petitioners fail to file the above referred undertaking before the Rent Controller, the eviction order be

enforced against the tenant-petitioners forthwith, in the manner indicated hereinabove.

8. The present revision petition stands disposed of in the aforesaid terms.

9. No orders as to costs.

(VIKAS SURI)
JUDGE

May 16, 2023
vcgarg

Whether speaking/reasoned:	Yes
Whether reportable:	No