

113.

2023:PHHC:166087

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

CR-7135-2023

Date of decision: 29.11.2023

Manjit Singh

.... Petitioner

Versus

Surjit Singh Cheema

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Zorawar S. Chauhan, Advocate, for the petitioner.

GURBIR SINGH, J.

1. Challenge in the present revision petition is to the judgment dated 29.04.2023 passed by learned Appellate Authority, Amritsar vide which the appeal filed by the petitioner-tenant against the judgment dated 28.02.2018 passed by learned Rent Controller, Amritsar, in an ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, has been dismissed.

2. The case of the respondent-landlord is that he is the owner of property bearing No.317, Defence Enclave, Amritsar and the petitioner-tenant took the first floor of said property on rent @ Rs.10,000/- per month w.e.f. 01.05.2012 and in this respect, a licence deed was also reduced into writing on 31.03.2012. The landlord sought ejectment on the ground that the petitioner-tenant has violated the terms of said license deed and he is also in arrears of rent and has not even paid the water and electricity bills. Moreover,

the demised premises is bona fide required by the landlord for his own use and occupation and his family members.

3. On the other hand, the case as projected by the petitioner-tenant is that licence deed as claimed by the respondent-landlord is a fabricated one. He is tenant under the respondent-landlord since 18.04.2011 @ Rs.5,200/- per month vide rent note dated 29.03.2012.

4. The Rent Controller vide judgment dated 28.02.2018 allowed the ejectment petition partly, vide which, the petitioner-tenant was ordered to be ejected from the demised premises on the ground of bona fide need of the respondent-landlord. The petitioner-tenant was directed to hand over the vacant possession of the demised premises to the respondent-landlord within a period of three months from the date of said judgment. The issue with regard to non-payment of rent could not be proved due to the absence of documentary evidence. Neither landlord nor tenant could produce the original rent notes, so claimed by them. They only produced photocopy of the respective unregistered rent notes. In appeal, the learned Appellate Authority, vide judgment dated 29.04.2023, upheld the findings of learned Rent Controller.

5. Aggrieved against the judgments of both the courts below, the petitioner-tenant has filed the present revision petition.

6. Notice of motion.

7. At this stage, Mr. Rajat Dogra, Advocate, has caused appearance on behalf of respondent and filed *vakalatnama*, which is taken on record. He submits that though he has filed caveat but it was not listed.

8. I have heard the submissions of learned counsel for the parties and have gone through the paper book.

9. After arguing for some time, learned counsel for the petitioner submits that the petitioner-tenant is ready to vacate the demised premises in a period of six months. To the said statement, learned counsel for the respondent has shown no objection.

10. In view of above statement, present revision petition stands disposed of. The petitioner-tenant is directed to vacate the demised premises within six months from today and to file an affidavit on or before 15.01.2024 before the concerned Court that he shall vacate the demised premises positively within a period of six months and shall not seek any further period. In case of default, this order shall automatically stand vacated.

(GURBIR SINGH)
JUDGE

November 29, 2023

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No