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

Date of Decision: 09.01.2023

1) CM-30-CII-2023 in/and CR-12-2023 (O&M)

Sandeep Ghai

...Petitioner

Versus

Harinder Singh and others

...Respondents

2) CM-138-CII-2023 in/and CR-43-2023 (O&M)

Sandeep Ghai

...Petitioner

Versus

Harinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ashok Aggarwal, Sr. Advocate
with Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Amit Jhanji, Sr. Advocate
with Ms. Priyanka Kansal, Advocate &
Mr. Ayush Gupta, Advocate
for the respondents.

ARUN MONGA, J. (ORAL)

**CM-30-CII-2023 in CR-12-2023 &
CM-138-CII-2023 in CR-43-2023**

For the reasons stated, the applications are allowed subject to all just exceptions. Persons mentioned in para No.2 of the application are impleaded as legal representatives of the deceased –Bhupinder Kaur – respondent No.2.

Main Revision Petitions

Vide this common order, above-mentioned two revision petitions are being disposed of, since not only the facts but the issues raised therein are inter connected.

2. Under challenge is a common judgment dated 16.11.2022 rendered by learned Appellate Authority, Ludhiana upholding Rent Controller's order dated 29.10.2019, whereby eviction petition filed by the landlord was allowed.

3. Petition bearing CR No.12 of 2023 has been filed assailing the dismissal of rent appeal while the second petition bearing CR No.43 of 2023 is against the acceptance of cross-objections filed by the respondents in the rent appeal, resulting in reversal of finding returned by the Ld. Rent Controller qua issue No.2.

4. After hearing the competing arguments of the learned respective seniors at some length on merits of the case, when this court expressed disinclination to interfere in the well-reasoned and cogent findings rendered by both the courts below, learned Senior Counsel for the petitioner under instructions of his briefing counsel in presence of petitioner in person, states that he would not press the petitions, provided some reasonable time is granted to vacate the premises. On court query, learned Senior submits that reasonable time would be one year to enable the petitioner/tenant to make alternate arrangements. Learned Senior Counsel, under instructions, further submits that the tenant would clear the arrears, of rent, if any, @ Rs.18,000/- per month and continue to pay the same for next 12 months.

5. *Per contra*, learned Senior Counsel for the respondent-landlords, under instructions of his instructing counsel and the respondent No.1 in person, strenuously opposes grant of 12 months and states that a period of 9 months is more than sufficient.

6. Be that as it may, keeping in view the statement made by the learned Senior/his instructing counsel appearing for the petitioner, and in order give a non-adversarial and peaceful *quietus*, atleast at this stage, to what has already been a cantankerous *lis*, and to avoid unnecessary furtherance of it, petitioner/tenant is directed to hand over actual, physical and vacant possession of the demised premises to the respondents/landlords within a period of one year from today. In case of two consecutive defaults in payment of monthly rent, the landlords shall have the liberty to seek execution of eviction/ejectment orders assailed herein. .

7. Needless to say, that any violation of the aforesaid shall entitle the landlords to seek eviction without recourse to any other remedy, with police help, if the situation would so warrant. Besides, the petitioner/tenant would be making himself liable for contempt proceedings. Petitioner shall also file an undertaking affidavit of his own, in terms of the aforesaid statement made on his behalf.

8. Since the main revision petitions have been disposed of, pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

January 09, 2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No