

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134+311

CM-1758-CII-2024 in
CR-180-2024 (O&M)
Decided on: 06.02.2024

Hira Lal through his LRs

...Petitioners

Versus

Vipul Mittar Sood

...Respondent

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. N K Manchanda, Advocate
for the petitioners.

Mr. Nakul Sharma, Advocate
for the respondent.

RITU TAGORE, J. (Oral)

CM-1758-CII-2024

This application is for placing on record joint affidavit of
Yogesh Kumar and Naresh Kumar sons of Hira Lal.

Application is allowed as prayed for.

Joint affidavit of Yogesh Kumar and Naresh Kumar, is taken on
record subject to just exceptions.

CR-180-2024 (O&M)

1. This revision petition has been filed against the order dated
17.10.2018 passed by learned Rent Controller, Moga, vide which the
application under Section 13 of East Punjab Urban Rent Restriction Act,
1949 filed by the respondent (landlord) against the petitioner-tenant, now

represented through his LRs Yogesh Kumar and Naresh Kumar, for ejectment of the petitioner-tenant from a demised shop described and detailed in the head note of the petition and the site plan attached, was allowed. The petitioner-tenant was directed to hand over the actual physical vacant possession of the shop in dispute to respondent-landlord within three months from the date of passing of the order. Further prayer to set aside the judgment dated 22.12.2023 (Annexure P-2) passed by learned Appellate Authority, Moga, affirming the order of learned Rent Controller, Moga has been affirmed.

2. The matter has been amicably settled between the parties. The LRs of petitioner Yogesh Kumar and Naresh Kumar (tenants) have filed their joint affidavit dated 20.01.2024 declaring and affirming that they shall hand over the vacant possession of the demised shop in ten months i.e. on/before 15.11.2024 to respondent-landlord and shall continue to pay rent/mesne profit @ Rs.2000/- per month till then.

3. Mr. Nakul Sharma, Advocate representing the respondent-landlord affirms to have received the copy of the joint affidavit of the LRs of the petitioner. Further states that he has gone through the affidavit and has instructions to submit on behalf of the landlord that he has no objection if the LRs of petitioner retain the demised shop for ten months and hand over the actual physical possession of the same to the landlord on before 15.11.2024, subject to their undertaking, contained in the affidavit and regular payment of mesne profit/rent till then. He also stated that LRs of the petitioner be also directed not to hand over the possession of the demised shop to any person except the landlord.

4. Keeping in view the facts and circumstances of the case as well as specific stand of both the parties and affidavit of the LRs of the

petitioner/tenant, this revision is disposed of in the terms that petitioner-tenant/LRs is/are permitted to retain the possession of the demised shop till 15.11.2024 and shall hand over the vacant peaceful possession of the demise shop on before 15.11.2024 and shall continue to pay rent/mesne profit @ Rs.2,000/- per month by 10th of every calendar month till 15.11.2024.

5. The LRs shall not hand over/give possession of the demise shop to any other person except the landlord. It is further made clear that if undertaking as given is violated, the respondent-landlord shall be entitled to seek eviction of the petitioner/tenants/the LRs from the demised shop forthwith or may also seek police help. Besides the above, the petitioner-LRs shall also be liable for the contempt of the order of this Court in case of any violation of the directions. The respondent-landlord shall provide his bank account within a day or two to the petitioners-LRs, who shall deposit the rent of the demised shop in the account of the respondent, failing providing of the account, the petitioner/LRs shall deposit the rent with the learned Rent Controller, Moga.

6. Pending applications, if any, also stands disposed of accordingly.

(RITU TAGORE)
JUDGE

06.02.2024
Rimpal

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