

2024:PHHC:101795



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

CR-2476-2017 (O&M)
Decided on:-07.08.2024

Rajesh Kumar

....Petitioner.

vs.

Bhushan Chander Nirwani and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gunjan Mehta, Advocate,
for the petitioner.

Mr.Sanjiv Kumar Aggarwal, Advocate,
for respondent No.1.

HARKESH MANUJA J. (Oral)

1. Present revision petition is directed against the eviction order dated 13.05.2014 passed by Learned Rent Controller, Kaithal and affirmed by learned Appellate Authority, Kaithal, vide its judgment dated 16.01.2017.

2. After arguing for sometime, learned counsel for the petitioner states that he does not press the present petition on merits, however prays that the petitioner has been earning his livelihood from the shop in question and thus, requests for 01 year time to make arrangement of alternative accommodation for setting up of his business.

3. In view of the above, eviction order dated 13.05.2014 passed by the Rent Controller, Kaithal and affirmed in appeal by the Appellate

Authority, Kaithal vide judgment dated 16.01.2017, is confirmed, however, subject to following conditions:-

- (a) The petitioner-tenant, to hand over the vacant and peaceful possession of the demised premises under his occupation to the landlord on or before 06.08.2025. As such, not only shall he clear all arrears of rent/damages/mesne profit, if any, within a period of one month from today, but also continue to pay the same till he continues to occupy the premises.
- (b) The petitioner-tenant shall not cause any damage to the property, create any encumbrance, or transfer possession, in any manner, of the demised premises.
- (c) The petitioner-tenant shall continue to use and occupy the property and enjoy the same strictly in terms of the municipal by-laws. No further construction, more so unauthorized in nature, shall be carried out by him.
- (d) Before handing over the possession of the demised premises, the petitioner-tenant shall clear all statutory dues.
- (e) In the event the petitioner violating any of these terms, it shall be open to the landlord(s) to initiate the proceedings for obtaining possession in terms of the order of ejectment and also initiate proceedings for contempt, if so advised and would also be liable to pay mesne profit @ Rs.50,000/- per month for the period beyond 07.08.2025.
- (f) All pending litigation(s), if any, *inter se* the parties in relation to the demised premises shall stand closed.

(g) The tenant shall file an undertaking before the trial Court agreeing to the aforesaid terms, within a period of two weeks from today.

- 4. Failure of the petitioner to comply with either of the conditions would entitle the respondent/landlord to execute the eviction order forthwith.
- 5. Pending application(s), if any, shall also stand disposed of.

07.08.2024
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(HARKESH MANUJA)
JUDGE

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