

2024:PHHC:159582



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

**CR-3287-2017 (O&M)
Decided on:-29.11.2024**

Subhash Chand

....Petitioner.

VS.

Vijay Kumar

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Sarwara, Advocate for
Mr.D.S. Gurna, Advocate for the petitioner.

Mr. M.S. Dhami, Advocate for the respondent.

HARKESH MANUJA J. (Oral)

1. Present revision petition is directed against the eviction order dated 03.03.2015 passed by the Learned Rent Controller, Rajpura and affirmed by learned Appellate Authority, Patiala, vide its judgment dated 22.02.2017.

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 06 months time to make arrangement of alternative accommodation for setting up of his business.

Learned counsel for the respondent does not oppose the prayer for grant of 06 months time to the petitioner so as to vacate the premises, subject to payment of mesne profit @ Rs.7000/- per month by the petitioner;

which has not been disputed by the learned counsel representing the petitioner.

3. In view of the above, eviction order dated 03.03.2015 passed by the Rent Controller, Rajpura as well as order dated 22.02.2017 passed by the Appellate Authority, Patiala are 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 31.05.2025. As such, not only shall he clear all arrears of rent/damages/mesne profit, if any, within a period of two months 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 arrears of mesne profit @ Rs.7,000/- per month from

the date of filing of application i.e. May, 2022.

(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.

29.11.2024
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(HARKESH MANUJA)
JUDGE

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