

2024:PHHC:084249



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

CR-3735-2024 (O&M)
Decided on:-08.07.2024

Karan Singh

....Petitioner.

vs.

Rajesh Kumar and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vinod Bhardwaj, Advocate for the petitioner.

HARKESH MANUJA J. (Oral)

CM-11213-CII-2024

Exemption application is allowed as prayed for.

Main case

1. Present revision petition is directed against the eviction order dated 25.04.2024 passed by Learned Rent Controller, Ambala and affirmed by learned Appellate Authority, Ambala, vide its judgment dated 24.05.2024.
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 for the past 05 years and thus, may be given reasonable time to make arrangement of alternative accommodation for setting up of his business.
3. In view of the above, eviction order dated 25.04.2024 passed by the Rent Controller, Ambala and affirmed in appeal by the Appellate Authority, Ambala vide judgment dated 24.05.2024 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 08.01.2025. 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 them.

(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.

(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 this 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.

08.07.2024

(HARKESH MANUJA)

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JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No