

119.

2024:PHHC:004381

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

CR-4703-2023

Date of decision: 11.01.2024

Surender Kumar

... Petitioner

Versus

Jai Bharat Mandal Ramlila and Dharamshala Society

... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Varun Sharma, Advocate, for the petitioner.

Mr. Shalender Mohan, Advocate, for the respondent.

GURBIR SINGH, J.

Power of Attorney filed on behalf of petitioner in Court today, with No Objection from the earlier counsel, is taken on record.

1. Challenge in this revision petition is to the judgment dated 11.04.2023 passed by learned Appellate Authority, Hisar whereby the appeal filed by the petitioner against the judgment dated 17.10.2017 passed by the learned Rent Controller has been dismissed.

2. The brief facts of the case are that respondent-landlord i.e. Jai Bharat Mandal Ramlila and Dharamshala Society (Registered), Hansi, (hereinafter called, "landlord") filed an eviction petition against the petitioner-tenant (hereinafter called, "tenant") seeking his eviction from Shop No.25, having Municipal House Tax Unit No.2 situated near Umra Gate, Hansi (hereinafter called, "demised shop"), on two grounds, one, non-payment of rent and secondly, for bona fide necessity. Since the tenant had already paid the arrears of rent before the Rent Controller to

the landlord, therefore, that ground became infructuous. However, as regard bona fide necessity, it was pleaded by the landlord that he requires the demised shop for raising construction of stairs from front side for better utilization of second floor of the building i.e. Dharamshala.

2.1 In order to prove the case, the landlord examined himself as AW1 and tendered into evidence his affidavit as Ex.AW1/A reiterating the averments of petition and also tendered documentary evidence i.e. copies of proceeding books of petitioner-society, site plan and copy of rent agreement. On the other side, tenant examined himself as RW1 and tendered into evidence his affidavit as Ex.RW1/A and also examined Photographer-Chander Chopra as RW2, who proved photographs of the building as Exs.R1 to R3.

2.2 After appreciating the evidence on record, the learned Rent Controller, vide judgment dated 17.10.2017, allowed the eviction petition on the ground of bona fide necessity and the tenant was directed to vacate the demised shop within three months from the date of said order.

2.3 Against the aforesaid judgment dated 17.10.2017, tenant preferred appeal before the learned Appellate Authority, but vide judgment dated 11.04.2023, his appeal was dismissed.

2.4 Aggrieved against the judgments of both the courts below, the petitioner-tenant has approached this Court by way of present revision petition.

3. Learned counsel for the petitioner-tenant, after arguing for some time when faced with the situation that the tenant cannot guide the

landlord how to use the property and there are concurrent findings against the petitioner-tenant, he submits that the petitioner is ready to vacate the premises and at least 9 months time be given to him for vacating the same and for making alternative arrangement, and seeks to withdraw the present revision petition.

4. At this stage, Mr. Shalender Mohan, Advocate, has caused appearance on behalf of respondent and filed his *vakalatnama* in Court today, which is taken on record. He submits that respondent has no objection if 6 months time, instead of 9 months, is given to the petitioner-tenant to vacate the premises but subject to his furnishing an undertaking before the concerned court that he would vacate the premises maximum within a period of six months.

5. In view of above, six months time is given to the petitioner-tenant to vacate the demised premises subject to his furnishing an affidavit to that effect within a month before the concerned Rent Controller that he shall vacate the premises maximum within a period of six months and shall not seek any extension. He shall be bound by the undertaking given. The six months time shall be reckoned from today.

6. Present revision petition stands disposed of accordingly.

(GURBIR SINGH)
JUDGE

January 11, 2024

renu/sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No