



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CR-4638-2024 (O&M)

Date of Decision: 22.10.2024

M/s Spice and Ice

...Petitioner

Versus

Rahul Sahib and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Jasdev Singh Mehndiratta, Advocate, with
Mr. Rahul Dhanda, Advocate, and
Ms. Navreet Dhaliwal, Advocate, for the petitioner.

Mr. Rajiv Dev Sharma, Advocate, for the respondents.

VIKAS SURI, J.

1. This is a revision petition under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949, assailing eviction of the petitioner-tenant vide judgment dated 04.02.2020 passed by learned Rent Controller, Pathankot and affirmed by learned Appellate Authority, Pathankot, vide its judgment dated 16.07.2024.
2. Respondent No.1-landlord is on caveat represented by Mr. Rajiv Dev Sharma, Advocate, who has filed his Power of Attorney on behalf of respondent No.2 as well in the Court, which is taken on record.
3. After arguing for some time, learned counsel for the petitioner states that he does not press the present petition on merits, however, states



that the demised premises is being used as parking lot for his adjoining commercial establishment since the year 2009 and thus, requests 12 months' time to make arrangements of alternative accommodation.

4. Learned counsel representing the respondents submits that he has no objection to the aforesaid prayer made on behalf of the petitioner and in case the petitioner wishes to retain the possession for a year, then he should pay something more than the *mesne profits* assessed by the learned Appellate Authority, which stand modified by this Hon'ble Court .

5. During the course of hearing, learned counsel for the petitioner and learned counsel for the respondent, on instructions from their respective clients, have come to a common understanding that the petitioner does not press the present revision petition, subject to the following conditions:-

- (i). The petitioner would vacate the demised premises and hand over vacant possession to the respondent on or before 31.10.2025.
- (ii). The petitioner would pay an amount of Rs.40,000/- per month from the month of November, 2024 upto the month vacant possession is delivered to the respondent.
- (iii). The petitioner would pay the arrears of *mesne profits* upto October, 2024, if any, within a period of two months from today. Thereafter, *mesne profits* would be paid on or before 7th day of every month.
- (iv). The petitioner would file an undertaking on the aforesaid aspects before this Court within a period of eight weeks from today with an advance copy to counsel for the respondents.



6. It is made clear that in case the petitioner does not submit the aforesaid undertaking or does not comply with any of the aforesaid conditions, then it would be open to the respondent-landlord to seek vacant possession of the demised premises from the petitioner by applying for police help in addition to taking recourse to other proceedings including Contempt of Courts Act.

7. In view of the above, the impugned orders and judgment passed by the Rent Controller and the Appellate Authority are confirmed, subject to the abovesaid conditions.

8. The revision petition is disposed of in the aforesaid terms.

9. Pending applications, if any, also stand disposed of.

October 22, 2024
harish

(VIKAS SURI)
JUDGE

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