



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

CR-6537-2024 (O&M)
Date of Decision: 04.12.2024

Kulwant Singh
...Petitioner

Versus

Moji Ram
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Tajender Joshi, Advocate,
for the petitioner.

VIKAS SURI, J.

1. This revision petition under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949, has been preferred by the tenant against eviction order dated 07.01.2022 passed by learned Rent Controller, Chandigarh and affirmed by learned Appellate Authority, Chandigarh, vide judgment dated 05.09.2024.
2. After addressing arguments at preliminary hearing on 11.11.2024, learned counsel for the petitioner had submitted that the petitioner has been a tenant in the demised premises for more than 20 years, which had been purchased by the respondent-landlord and his son vide sale deeds dated 17.09.2018, 11.10.2018 and 27.11.2018 and the petitioner sought some reasonable time to hand-over the vacant possession of the



demised premises. Considering the aforesaid plea, notice of the petition was issued to the respondent-landlord.

3. Mr. V.K. Sachdeva, Advocate, puts in appearance for the respondent and has filed his Power of Attorney in the Court, which is taken on record.

4. Learned counsel for the petitioner reiterates his submission noticed in order dated 11.11.2024. He further states that he does not press the present petition on merits and the petitioner be granted reasonable time to hand-over the vacant possession.

5. Learned counsel representing the respondent-landlord submits that he has no objection to the aforesaid prayer made on behalf of the petitioner being accepted subject to the petitioner giving an undertaking in that regard and he continues to pay *mesne profits*, as assessed by learned Appellate Authority vide order dated 24.03.2022, for the period he remains in occupation.

6. 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 31.05.2025.
- (ii). The petitioner would pay an amount of Rs.13,000/- per month from the month of September, 2024 upto the month vacant possession is delivered to the respondent.



(iii). The petitioner would pay the arrears of *mesne profits* w.e.f. September, 2024 as well as for the month of December, 2024 and January, 2025, on or before 15.01.2025. Thereafter, *mesne profits* would be paid on or before 7th day of every month.

(iv). The petitioner would remit the aforesaid amount online through bank transfer in the bank account of the respondent-landlord detailed hereunder:-

Account Holder Name: Moji Ram
S.B. Account No.: 0095000115390520
IFSC Code: PUNB0009500
Bank/Branch: Punjab National Bank,
Sector 22-D, Chandigarh.

(v). The petitioner would file an undertaking on the aforesaid aspects before the Executing Court within a period of eight weeks from today with an advance copy to counsel for the landlord in the Executing Court.

7. It is made clear that in case the petitioner does not submit the 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 at the first instance, in addition to taking recourse to other proceedings including Contempt of Courts Act.

8. 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.

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



10. Pending application(s), if any, also stand disposed of.

December 04, 2024
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(VIKAS SURI)
JUDGE

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