

(2013) 08 P&H CK 0766

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 6596 of 2011

Baldev Kumar

APPELLANT

Vs

Shanti Devi

RESPONDENT

Date of Decision: Aug. 21, 2013

Hon'ble Judges: Rakesh Kumar Garg, J

Bench: Single Bench

Advocate: N.S. Thind, for the Appellant; Divanshu Jain, for the Respondent

Final Decision: Dismissed

Judgement

Rakesh Kumar Garg, J.

This is landlord's revision petition challenging the order dated 09.09.2011 of the Appellate Authority, Faridkot, whereby the appeal filed by the tenant-respondent has been accepted and he has been allowed to make the payment of arrears of rent within two months from the date of order of the Appellate Authority, despite the fact that tenant-respondent had denied the relationship of landlord and tenant. Counsel for the respondent-tenant could not support the impugned order and faced with this situation has stated that the tenant-respondent is ready to hand-over the vacant possession of the demised premises and she be given reasonable time to vacate the demised premises and to hand-over the same to the petitioner-landlord.

2. However, counsel for the petitioner-landlord has submitted that tenant should be directed to make payment of all the arrears of rent till date and she should also make payment of the rent upto date and continue to pay the rent till the handing over of the vacant possession. He has further submitted that she should also be directed to file an undertaking before the Rent Controller that she shall hand-over the vacant possession of the demised premises on or before the expiry of the stipulated period.

3. Counsel for the tenant-respondent has no objection to the aforesaid averments made on behalf of counsel for the landlord-petitioner.

4. Keeping in view the consensus reached between the parties, revision petition of the landlord-petitioner is accepted and eviction of the tenant-respondent is upheld from the demised premises and the order of the Appellate Authority is set aside.

5. However, tenant-respondent is granted 09 months" time from today i.e. upto 20.5.2014 to hand-over the vacant possession of the demised premises to the petitioner-landlord subject to the conditions of making payment of arrears of rent and also to pay the future rent within one month from today. She shall also file an undertaking before the Rent Controller with regard to handing over the vacant possession of the demised premises on or before the expiry of the stipulated period.

6. It is made clear that the parties shall be bound by the submissions made on their behalf by their counsel before this Court.

7. In case of violation of any of the conditions, the landlord shall be entitled to execute the eviction order forthwith.

8. In case of non-compliance of the order passed by this Court, the respondent shall also be liable for initiation of contempt proceedings for contempt of this Court in addition to the execution of the eviction order. Dismissed.