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ITEM NO.1

COURT NO.3

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24041/2010

(From the judgement and order dated 24/05/2010 in CR No.2285/2007
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GAURAV GUPTA

Petitioner(s)

VERSUS

SURINDER KAUR (D) TH:LRS & ORS.

Respondent(s)

(With prayer for interim relief and office report)

[FOR FINAL DISPOSAL]

Date: 29/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)

Mr. R.M. Agarwal, Adv.
Dr. Kailash Chand, Adv.

For Respondent(s)

Mr. Ashok K. Mahajan, Adv.

UPON hearing counsel the Court made the following
O R D E R

The original petitioner, landlady - Surinder Kaur, died during the pendency of the revision petition before the High Court and her legal heirs were brought on record, who are respondent Nos. 1 to 5.

We are informed that one of her legal representatives Ranjit Singh Dhaliwal - respondent No. 1 - is dead. Name of respondent No. 1 may be struck off from the array of parties as estate of the original petitioner is adequately represented by other legal heirs of the deceased petitioner in the rent application. Name of respondent No. 1 is ordered to be struck off from the array of parties forthwith.

We do not think that it is necessary to consider the contention of Mr. R.M. Agarwal, learned counsel for the petitioner that having regard to the fact that the landlady pleaded her personal need in the application under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (for short, 'Act') and on her death the need has come to an end on merit in view of the peculiar fact situation of the case, namely, (i) the landlady died after the order of eviction was passed by the rent controller in her favour and she is survived by her sons and daughters and one of her widow daughters intends to start the business of florist which her mother intended to do in the subject premises, (ii) the premises are not in use by the petitioner which is apparent from the photograph shown by Mr. Ashok K. Mahajan, learned counsel for the respondent Nos. 2 to 5, and (iii) the petitioner is a professional chartered accountant.

We may indicate that Mr. R.M. Agarwal, learned counsel for the petitioner, did dispute correctness of (i) and (ii) which we have noted above. However, there is no dispute that the petitioner is a

chartered accountant.

Be that as it may, we are satisfied that this is not a fit case to interfere with the impugned order under Article 136 of the Constitution of India.

Special leave petition is dismissed.

At this stage, learned counsel for the petitioner prays that some time may be granted to the petitioner to vacate the subject premises. Mr. Ashok K. Mahajan, learned counsel for respondent Nos. 2 to 5, agrees that one year may be given to the petitioner for that purpose.

In view of the above, we grant time to the petitioner upto 31st August, 2014 for handing over peaceful and vacant possession of the subject premises to the respondents subject to the petitioner's filing an undertaking before this Court on usual terms within four weeks from today. The petitioner shall pay the compensation for use and occupation at the rate of the agreed rent every month and shall also pay arrears of rent, if any, within one month from today. The petitioner shall not transfer the subject premises to any third party nor will he create any right or interest or encumbrance in the subject premises.

The respondents shall collectively file an undertaking before this Court within six weeks from today that they will faithfully abide by Section 13-B(3) of the Act and shall not transfer the subject premises through sale or any other means or let it out before the expiry of a period of five years from the date of taking possession of the subject premises from the petitioner.

|(Rajesh Dham)
|Court Master

|(Renu Diwan)
|Court Master

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