

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

Civil Revision No.521 of 2015

Date of Decision: 11.02.2015

Rishi Gupta and another

..... Petitioners

Vs.

M.M.Gupta and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vishal Aggarwal, Advocate along with
Petitioners in person.

Mr. Raman Mahajan, Advocate along with
Respondents in person.

JASWANT SINGH, J. (ORAL)

Defendants are in revision assailing the order dated 29.08.2014 (P-3), passed by the learned Civil Judge (Junior Division), Chandigarh whereby their application under Order 9 Rule 13 CPC for setting aside the *ex parte* judgment and decree dated 14.10.2013 has been dismissed; further challenge is to the order dated 15.01.2015 (P-6) whereby their appeal has been dismissed on the ground of delay of 336 days in filing the appeal.

The dispute is primarily between the plaintiffs/parents and the defendants/son and daughter-in-law. The licence of the defendants regarding occupation of the ground floor of 8 Marla residential house has since been terminated and the suit for mandatory injunction for possession along with damages has been decreed thereby directing the defendants to

pay the damages at the rate of ₹ 25,000/- per month w.e.f. 01.12.2011 along with interest @ 6% per month till actual delivery of possession.

On the previous date of hearing, this Court had issued notice of motion and called upon the respondents/parents to initiate the process of an amicable settlement.

At the time of hearing, both the parties are present in the Court. After interaction with them, it has been agreed that the petitioners/son and his wife shall hand over peaceful and vacant possession of the premises in their possession in compliance of the *ex parte* judgment and decree dated 14.10.2013 on or before 31.07.2015 and in lieu of that gesture, the respondents/parents have agreed to forgo all their monetary claims in terms of the *ex parte* judgment and decree dated 14.10.2013 payable till 31.07.2015.

Accordingly, in view of the aforesaid agreed stand, the present revision is disposed of with the petitioners permitted to stay in the premises covered under the *ex parte* decree dated 14.10.2013 without payment of any arrears of damages accruing till 31.07.2015, on or before which the petitioners/ judgment debtors shall be liable to hand over the vacant peaceful possession to the respondents/parents.

The parties shall be bound by their stand as indicated before this Court. It is clarified that any violation of agreed terms on the part of the parties shall make them liable for hauled up in contempt proceedings.

Disposed of in the above terms.

February 11, 2015
Gagan

(JASWANT SINGH)
JUDGE