

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

215

CWP No. 12472 of 2015

DATE OF DECISION: July 08, 2015

Kewal Singh

.....Petitioner

VERSUS

Appellate Tribunal through Chairman-cum-District Magistrate, Ambala and
othersRespondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Pardeep Baba, Advocate,
and Mr. Inderjit Singh, Advocate,
for the petitioner.

Ms. Vibha Dhiman, Assistant Advocate General, Haryana,
for the State.

Mr. Sanjay Jain, Advocate,
for respondents No. 2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

With the consent of the petitioner as also respondents No. 2,
who are present in Court in person, the main writ petition is disposed of as
per the statements given by them.

Petitioner states that respondents No. 2 and 3 should not
interfere in the day to day matters of household. His main grievance is
against respondent No. 2 and has objections with regard to the behaviour
and conduct of this respondent. He apprehends that if the said respondent
stays in the house along with his wife-respondent No. 3, the atmosphere in

the family will be spoiled and will not be conducive for the well being of the family as the marriage of his daughter, who is the sister of respondent No. 2 is scheduled in the month of November, 2015. He, however, states that he has no objection so far as respondent No. 3 is concerned for using the kitchen. He further states that he would not interfere, in any manner, in the affairs of respondents No. 2 and 3.

Respondent No. 2, on the other hand, gives an undertaking that nothing will be done by him or his wife which would, in any manner, affect the peace and tranquility of the household. He further states that he has no objection if the matter is remanded back to the Appellate Tribunal for decision on merits. He further makes a statement that he will vacate the premises in question on the same day, in case, the appeal preferred by him before the Appellate Tribunal is dismissed.

Petitioner states that in the light of above statement of respondent No. 2, he has no objection to the remand of the case to the Appellate Tribunal and its decision on merits.

Counsel for the parties have also supported the statements given by their clients.

In the light of the statement of the petitioner and respondent No. 2, who are present in Court, the present petition is disposed of by setting aside the impugned order dated 28.05.2015 (Annexure P-6) with a direction to the Appellate Tribunal to hear the appeal of respondents No. 2 and 3 on 17.07.2015, as consented by the parties. The Appellate Tribunal shall make all endeavor to hear the appeal on the said date and pass appropriate orders in accordance with law.

Till the decision of the appeal, status quo, as it exists today,

shall be maintained by the parties.

It goes without saying that in case, the appeal of respondents No. 2 and 3 is dismissed, they would, as per the undertaking given by respondent No. 2 to this Court, vacate the premises in question on the said date when the order is passed by the Tribunal rejecting their appeal.

Copy of the order be given ***dasti*** to the counsel for the petitioner and respondents No. 2 and 3 under signatures of the Bench Secretary of this Court. Copy of this order be also given under signatures of the Bench Secretary of this Court to the counsel for the State to convey the same to the Appellate Tribunal forthwith.

July 08, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE