

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

Date of decision:28.01.2015

Vikram Singh and another

.....Appellants

v.

Krishna Devi

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Sushil Jain,Advocate for the appellants.

Jaswant Singh,J.(Oral)

CM 918-C of 2015 is allowed and typed copy of order dated 3.1.2015 passed by learned Executing Court is taken on record as Annexure A-1.

RSA 1209/2013

Dispute is between respondent/plaintiff-mother and appellants-defendants son and daughter-in-law. Concededly the mother/plaintiff is owner of the residential house/suit property and both the courts below have decreed the suit for possession with consequential relief of permanent injunction. The learned Additional Civil Judge (Senior Division) Sonipat while passing the decree dated 8.11.2011 had directed the defendants/appellants to handover vacant possession of the suit property within one month. The learned District Judge, Sonipat vide judgment and decree dated 2.11.2012 dismissed the appeal of the appellants while affirming the findings of the trial court.

At the time of hearing at the very outset, on instructions from appellant no.1-Vikram Singh, who is present in Court on his behalf and on behalf of his wife, learned counsel for the appellants prays only for grant of some reasonable time to handover the vacant possession of the suit property. He has also filed an undertaking by

way of affidavit dated 28.1.2015 of Vikram Singh stating that he does not wish to pursue the second appeal provided some time is granted to the appellants for handing over the vacant possession keeping in view the interest of his family including minor children. The affidavit dated 28.1.2015 is taken on record.

In view of the prayer made in the affidavit the present second appeal is dismissed as withdrawn. However, the appellants/defendants are granted time to hand over vacant possession of the suit property on or before 30.6.2015 subject to the appellants/defendants filing an undertaking before the learned Executing Court within 15 days from today that they will handover actual, physical, vacant and peaceful possession of the suit property to the plaintiff on or before 30.6.2015.

Needless to say that any violation of the aforesaid terms shall entitle the plaintiff to seek defendants'/appellants' eviction forthwith with police help, if necessary, without recourse to any other remedy besides the defendants/appellants making themselves liable to be hauled up in contempt proceedings.

Disposed of in the above terms.

28.01.2015
joshi

(Jaswant Singh)
Judge