

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

RSA No. 1979 of 2013 (O&M)

Date of decision : 7.4.2015

M/s Shubham Super Market and another

..... Appellants

VS

Harsh Bansal and another

..... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Alok Mittal, Advocate, for the appellants.

Mr. Arun Jain, Senior Advocate with
Mr. Sanjay Vij, Advocate, for the respondents.

Rajesh Bindal, J.

This order will dispose of RSA Nos. 1979, 1980, 2003 and 2004 of 2013.

Learned counsel for the appellants on instructions from Pawan Kumar Jain, husband of proprietor Mrs. Sunita Jain, who is present in person in Court, stated that he may be permitted to withdraw the present appeals in case the appellants are granted reasonable time for handing over physical vacant possession of the property in dispute to the respondents considering the fact they are in possession thereof as tenant for the last more than 10 years. He further undertakes that he will pay the mesne profits on 10th of every month by way of bank draft as ordered by the Courts below till such time the vacant physical possession is handed over to the respondents. He further undertakes that he will vacate the property in dispute on or before 30.4.2016. He further submitted that his wife, proprietor of the appellant, shall get her statement recorded before the trial Court on or before 30.4.2015.

Learned counsel for the respondents submitted that the respondents do not have any objection for granting the time sought by the appellants for vacation of the premises in dispute upto 30.4.2016 in case mesne profits for use and occupation of the premises in question are paid as undertaken by them.

Considering the aforesaid stand taken by learned counsel for the parties, the present appeals are dismissed as withdrawn in terms of the statement made by the husband of the proprietor Mrs. Sunita Jain. It is made clear that in case of failure either to pay the mesne profits for the use and occupation of the premises in question on or before the date fixed or to hand over the vacant physical possession of the premises in question on 30.4.2016, the respondents shall be entitled to execute the decree passed in their favour besides invoking contempt jurisdiction of this Court.

7.4.2015

vs.

(Rajesh Bindal)
Judge