

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

**CM-8241-C of 2015 in/and
RSA No.4516 of 2013(O&M)
Date of Decision : 31.7.2015**

Malwinder Singh

.....Appellant

Versus

Gurvinder Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. I.D. Singla, Advocate
for the applicant-appellant.

Mr. Ramneek Vasudeva, Advocate
for the respondent.

GURMIT RAM, J. (ORAL)

CM-8241-C of 2015

This application under Order 41, Rule 5 read with Section 151 CPC has been filed on behalf of the applicant-appellant for staying the operation of the impugned judgments and decrees passed by both the learned Courts below during the pendency of the present appeal.

Perusal of the file reveals that main RSA No.4516 of 2013 is not listed for today.

However, on the oral request of learned counsel for both the parties, the same is taken up today for hearing.

RSA No.4516 of 2013(O&M)

Learned counsel for the appellant has contended that

the appellant is ready to vacate the demised premises if some reasonable time be given to him to vacate the same in order to enable him to find out some other alternative accommodation. He has requested for six months time for this purpose.

On the other hand, learned counsel for the respondent-plaintiff has contended that he has no objection, if two months time be given to the appellant to vacate the demised premises.

So with the consensus of both the parties, the appellant-defendant is granted time up to 31.10.2015 to vacate the demised premises and to deliver its vacant possession to the respondent-plaintiff by that date positively, subject to the conditions that he will clear all the arrears of rent, if any, from 1.1.2009 onwards till date within one month from today and further monthly rent of this period by 11th of each month. He is directed to file an undertaking today itself in the Court to comply with the above-said conditions. In case the applicant-appellant fails to comply with any of these conditions, this order shall stand vacated automatically and he will also be liable to face contempt proceedings and in that eventuality the respondent-plaintiff will be at liberty to proceed against him to get the vacant possession of the demised premises from him in due course of law.

The said undertaking in the shape of affidavit filed today in the Court by the applicant-appellant, which is taken on record.

In view of the above situation, the instant regular second appeal stands dismissed being compromised and the CM-8241-C of 2015 as well as the main appeal stand disposed of accordingly.

Since the main regular second appeal has been disposed of, the miscellaneous application, if any, also stands automatically disposed of having been rendered infructuous.

31.7.2015
Brij

(GURMIT RAM)
JUDGE