

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

CR No. 2105 of 2016

Date of decision :21.03.2016

Kulbhushan Monga and another

..... Petitioners

Versus

Gulzar Singh Monga and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Ramandeep Singh Pandher, Advocate
for the petitioners.

Mr. Sanjay Bansal, Sr. Advocate
with Mr. Rohit Kaura, Advocate
for respondent-caveator Gulzar Singh Monga.

DARSHAN SINGH, J. (Oral)

Learned counsel for the petitioners contended that the learned Additional District Judge, Panchkula while allowing the appeal filed by the respondent dismissing the application for ad interim injunction filed by the petitioner has also directed the petitioner to handover the vacant possession of the demised premises to respondent-Gulzar Singh Monga within 15 days. He contended that while deciding the appeal against the interim injunction, the learned First Appellate Court has no jurisdiction to issue any such direction.

2. Learned counsel for the respondent stated that no

such direction has been given by the learned Additional District Judge, Panchkula. The learned Additional District Judge has simply mentioned that in the interest of justice, plaintiffs no.1 and 2 are given 15 days time from the date of the order to handover the vacant physical possession of the suit property in their occupation to defendant-Gulzar Singh Monga. However, he contended that they will not move the Civil Court to execute this direction, as they had already moved the application for executing the order passed by the learned Tribunal under Section 23 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and confirmed by the Appellate Tribunal and they will not seek the execution of any order in the Civil Court.

3. In view of this statement made at bar by learned counsel for the respondent, learned counsel for the petitioners states that the present petition may be dismissed as withdrawn without any prejudice to the rights of the petitioner in CWP No. 3354 of 2016.

Ordered accordingly.

21.03.2016

S.khan

(DARSHAN SINGH)
JUDGE