

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

**C.M. No.809-10-CII of 2016 in/and
C.R. No.246 of 2016
Date of Decision : 27.01.2016**

Amar Nath Katyal

..... Petitioner

Versus

Ramesh Katyal

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. D.K. Tuteja, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

C.M. No.809-810-CII of 2016

These are applications for condoning the delay of 1 day in filing the appeal and for condoning the delay of 87 days in re-filing the appeal.

The reason for delay in filing the appeal is miscalculation of limitation period and the reason for delay in re-filing is that the clerk had forgotten to refile the same by mistake.

For the reasons recorded, the applications are allowed. Delay is

condoned.

C.R. No.246 of 2016

This petition has been filed against the judgments and orders dated 07.11.2014 and 30.05.2015 passed by the Courts below, whereby the petitioners has been ordered to be evicted from the shop in dispute.

Notice of motion.

The respondent has entered appearance in person.

On 18.01.2016 the following order was passed:-

“Learned counsel states that the petitioner would not press this petition on merits but the premises in dispute is a commercial premises, the Rent Controller had granted 30 days time and the Appellate Authority has not granted any time and if some time is granted to the petitioner he would undertake to vacate the premises in dispute.”

Today it has been agreed as follows:-

“The respondent has agreed that in case the petitioner undertakes to vacate the premises voluntarily on or before 31.08.2016 without forcing the respondent to file execution application, he would not charge him for future rent or mesne profits of Rs.2500/-p.m. which have become payable w.e.f. 07.11.2014.

Learned counsel for the petitioner has accepted this.

In the circumstances, this petition is disposed of in the above terms. It is however clarified that in case the petitioner does not move the necessary undertaking before the Executing Court in terms of the today's agreement on or before 15.02.2016, the present petition would be deemed to be dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

January 27, 2016
ashish

(AJAY TEWARI)
JUDGE