

In the High Court of Punjab and Haryana at Chandigarh

**CM No. 5245-C of 2016 in/and
RSA No. 4587 of 2011
Date of Decision: 31.5.2016**

Surinder Singh

---Appellant

versus

Surinder Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Jagdish Manchanda, Advocate
for the applicant-appellant**

**Mr. Krishan Singh, Advocate
for the non-applicant-respondent**

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

Rekha Mittal, J.

CM No. 5245-C of 2016

Prayer in this application is for recalling order dated 21.4.2016 whereby the appeal was dismissed for non-prosecution.

Counsel for the non-applicant-respondent has got no objection if the application is allowed.

In view of averments made in the application supported by an affidavit of Sh. Jagdish Manchanda, Advocate, counsel for the applicant-appellant, the application is allowed, the order dated 21.4.2016 is recalled and the appeal is ordered to be restored to its original number and stage.

RSA No. 4587 of 2011

With consent of the parties, the regular second appeal is taken on Board today itself.

The present appeal has been directed against the consistent findings recorded by the Courts below whereby suit for possession by way of ejectment from the premises in question, detailed in head note of the plaint, filed by the respondent was allowed and the findings recorded by the trial court have been affirmed in appeal vide judgment and decree dated 24.10.2011 passed by the District Judge, Yamuna Nagar at Jagadhari.

Counsel for the appellant would state that he has the instructions that the appellant does not want to press the appeal on merits and he prays for time upto 31.12.2016 to vacate the premises in question and hand over its vacant possession to the respondent w.e.f. 1.1.2017. Counsel states that the appellant is lying admitted in a hospital, thus, not in a position to get file his affidavit in support of his submissions made before the Court.

Counsel for the respondent has submitted that the appeal may be disposed of in terms of the statement made by counsel for the appellant.

In view of the above, the appeal is dismissed. However, the appellant is allowed to retain possession of the premises in dispute till 31.12.2016 subject to the undertaking that he would hand over vacant possession of the premises in question to the respondent on 1.1.2017.

The appellant shall clear up-to-date arrears of rent by payment

through a demand draft on or before 30.6.2016. The rent of the subsequent months shall be paid by 10th of each succeeding month in which the rent becomes due and payable but the payment shall be made by way of demand draft or against a proper receipt.

(Rekha Mittal)
Judge

31.5.2016
PARAMJIT