

LPA No. 828 of 2016 (O&M)

Date of decision : 18.05.2016

Ankush Kapoor

.....Appellant

Versus

The Postgraduate Institute of Medical Education and Research,
Chandigarh and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Rahul Sharma-I, Advocate
for the appellant.

Mr. Girish Agnihotri, Senior Advocate with
Mr. Saurabh Gulia, Advocate
for the respondents.

Mahesh Grover, J.

The respondents are present in Court and state that they have no objection if the appellant is granted 15 days time to vacate the premises subject to the condition that he pays the licence fee and the penal rent as well.

Learned counsel for the appellant contends that he will vacate the premises positively within 15 days and make a further prayer that the penal rent be waived off and to bind him only in the terms of the lease and payment of rent in terms thereof.

After hearing learned counsel for the parties and noticing that both are agreed largely on the issue of vacation of premises within 15 days. We would deem it appropriate to dispose of the

instant appeal in the following terms:-

- i) The appellant will hand over the physical possession of the leased premises to the respondent within a period of 15 days from today i.e. on or before 02.06.2016.
- ii) The appellant would pay the entire licence fee due against him to the respondents before he vacates the premises.
- iii) The respondents will not impose penal terms upon the appellant in this eventuality.

However, if the appellant overstays by even a single day, the respondents would be entitled to penal amount equivalent to five times of the licence fee. The appellant will furnish an undertaking to this effect by moving an appropriate application before this Court within a period of two days, which shall be taken on record by the Registry. In case, the needful is not done, the Registry is directed to list the case and solicit further orders in this regard. In case the premises are vacated and returned to the respondents without any damage, the security deposit would be refunded to the appellant but in case any damage is detected, the respondents would be at liberty to retain the security proportionately the damage.

(Mahesh Grover)
Judge

(Lisa Gill)
Judge

May 18, 2016