

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

RSA-1888-2016

Date of decision: 26.04.2016

Giano

...Appellant(s)

Versus

Surinder Kaur

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JITENDRA
CHAUHAN**

Present: Mr. Deepak Arora, Advocate for the appellant.

Mr. D.K. Bhatti, Advocate for the caveator.

JITENDRA CHAUHAN, J.

This is defendant's second appeal against the concurrent findings recorded by the learned Courts below, decreeing the suit of the plaintiff-respondent.

The suit of the plaintiff-respondent for mandatory injunction directing the defendant-appellant to hand over the vacant and physical possession of the portion of the property detailed in the head note of the plaint, was decreed by learned

trial Court vide judgment and decree dated 24.09.2015. Feeling aggrieved, defendant-appellant preferred first appeal before learned first appellate Court which also stood dismissed vide impugned judgment and decree dated 19.03.2016.

Hence, the present regular second appeal.

After arguing for some time, learned counsel for the appellant states that he does not press the present appeal on merits. He craves indulgence of this Court only to the extent that he may be permitted to retain the premises in question for a period of six months so as to make arrangement for alternate accommodation.

The learned counsel for the caveator-respondent states that he has instructions to state that three months' time may be given to the appellant-defendant for the said purpose.

In view of the above, the present appeal is dismissed as not pressed. Even on merits, there is no scope for interference by this Court. Both the Courts below have rightly decreed the suit of the plaintiff-respondent. The defendant-appellant has, in fact, no right to retain the possession of the portion of the house in question.

However, keeping in view the statements made by

learned counsel for the parties, the appellant shall vacate the premises in question within a period of three months from today, but not later than 31.07.2016. The appellant further undertakes to keep the building in good shape and pay Rs.1,000/- per month towards the use of the property, which has been determined keeping in view the market value and for the limited purpose as above, and in no case, shall be construed as tenancy.

26.04.2016

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(JITENDRA CHAUHAN)
JUDGE