

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

**Regular Second Appeal No.2737 of 2016 (O&M)
Date of Decision: May 31, 2016.**

Tara Chand

.....APPELLANT(s).

VERSUS

Gurmit Kaur

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kapil Khanna Advocate
for the appellant (s).

SURINDER GUPTA, J.

After arguing at length, counsel for the appellant, under the instructions of appellant, who is present in the Court, seeks one year's time to hand over the vacant possession of the shop in dispute to respondent.

In view of the submission of counsel for the appellant, the appeal is disposed of. However, the appellant is allowed time of one year from today i.e. upto 31.05.2017 to vacate and hand over the vacant possession of the shop in dispute subject to the following terms:-

(i) The appellant will pay/deposit the entire due mesne profits for the possession of the shop @ ₹1,000/- per month from the date of filing of the suit till 31.05.2016 on or before 15.07.2016.

(ii) He will keep on paying/depositing the advance mesne profits of subsequent months upto 31.05.2017 on or before 7th day of each month.

(iii) He will file affidavit before the Executing Court within two

weeks giving undertaking to vacate and hand over the vacant possession of the shop in question to the respondent on or before 31.05.2017.

In the event of mesne profits being deposited/paid as per the above order by 15.07.2016, execution of the judgment and decree shall remain stayed till 31.05.2017. In case of default of any of the above terms, the respondent will be entitled to seek execution of the judgment and decree forthwith.

The order has been passed in the absence of respondent to avoid unnecessary delay and expenses. A copy of this order be conveyed to the respondent. In the event of respondent having any objection, she may file application to that effect. On receipt of the application, the same be listed for hearing.

May 31, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE