

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

RSA No. 3813 of 2016(O&M)
Date of decision :22.12.2016

Satyapal Kainth

.....Appellant

Versus

Prem Lata Kainth

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Adarsh Jain, Advocate
for the appellant.

Mr. N.C.Kinra, Advocate
for the applicant-respondent.

DARSHAN SINGH, J. (Oral)

CM No. 17496-C of 2016

This application has been moved by respondent-applicant for preponement of the case.

Mr. Adarsh Jain, Advocate, learned counsel for the appellant states that he has no objection in preponing the case and the main appeal may be taken up today itself.

Thus, the present application is hereby allowed and the main appeal is taken up today itself.

RSA No. 3813 of 2016(O&M)

On the last date of hearing, learned counsel for the appellant has shown the willingness to vacate the premises within one year and it was

also stated that there is possibility of amicable settlement as the parties are closely related.

The parties have reached the amicable settlement.

Learned counsel for the appellant on the instructions of the appellant has stated at bar that the appellant will vacate the demised premises on or before 31.08.2017 and will also pay Rs. 5000/- per month as *mesne* profit w.e.f. 01.01.2017.

The aforesaid proposal has been accepted by learned counsel for the respondent on the instructions of respondent-Prem Lata Kainth, who is present in the Court. Thus, the present appeal is hereby dismissed with the following observations:-

1. The appellant shall continue to occupy the demised premises upto 31.08.2017 provided he is in possession today.
2. The entire arrears of rent/*mesne* profits, if any, shall be deposited by the appellant with the learned Executing Court, Panchkula, within a period of one month from today, failing which, the respondent shall be at liberty to execute the order of eviction, forthwith.
3. The appellant shall continue to deposit the future *mesne* profits at the rate of Rs. 5000/- per month by 7th of every month w.e.f. 01.01.2017 till the handing over of the vacant possession to the plaintiff-respondent with the learned Executing Court, Panchkula. In the event of even a single default, the respondent-landlord shall be free to execute the order of eviction and obtain possession, forthwith.
4. The appellant shall defray the electricity/water charges for the period he would occupy the demised premises.
5. The appellant shall vacate and hand over the actual and physical possession of the demised premises, free from all incumbrances, on or before the stipulated date i.e. 31.08.2017 to the respondent-landlord, failing which respondent-landlord shall be free to execute the order of eviction.
6. The appellant shall furnish an undertaking in the form of an affidavit in the above terms, with the learned Executing Court,

Panchkula, within a period of one month from today, failing which, the respondent-landlord shall be at liberty to execute the order of eviction and obtain actual physical possession.

7. In case of violation of any of the undertaking(s), the appellant shall render himself liable to be proceeded against for contempt.

(DARSHAN SINGH)
JUDGE

22.12.2016

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No