

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

RSA No.4394 of 2016 (O&M)

Date of decision : 07.12.2016

Narinder Kumar

.....Appellant

Versus

Mohinder Singh

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Appellant in person with
Mr. Raman Sharma, Advocate for the appellant.

Mr. G. S. Nagra, Advocate for respondent-plaintiff.

DARSHAN SINGH, J. (Oral)

Appellant Narinder Kumar has made the statement, which is reproduced as under : -

“Stated that I have already paid the rent at the rate of Rs.1500/- per month upto August, 2013. Now I am ready to pay the mesne profit at the rate of Rs.2000/- per month with effect from 01.09.2013 till the vacation of the premises. I further undertake to vacate the premises/shop in dispute on or before 30.09.2017. The decree passed by the learned Courts below be modified accordingly and with this modification the present appeal may be dismissed as withdrawn.”

2. Mr. G. S. Nagra, Advocate for respondent-plaintiff has also made the statement, which is reproduced as under:-

“I have heard the above statement of the appellant. The same is accepted to be correct. I have no objection if the appellant is granted time upto 30.09.2017 to vacate the premises and payment of the mesne profit with effect from 01.09.2013 to the date of vacation of the premises at the rate of Rs.2000/- per month. The judgment and decrees under challenge may be modified to this extent. The respondent will withdraw the execution.”

3. In view of the statement made by the appellant and learned counsel for the respondent, the impugned judgment and decrees passed by the learned Courts below stands modified to this extent that appellant-defendant Narinder Kumar shall be liable to pay the mesne profit at the rate of ₹2000/- per month with effect from 01.09.2013 till the vacation of the premises. The appellant will hand over the vacant possession of the demised premises/shop to the respondent on or before 30.09.2017.

4. With this modification in the decree, the present appeal is hereby dismissed as withdrawn. It is made clear that the appellant shall be bound by the undertaking given by him today in the Court.

07.12.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No