

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

**Regular Second Appeal No.5381 of 2016 (O&M)
Date of Decision: October 17, 2016.**

B.D. Bhardwaj (Deceased) through his LRs

.....APPELLANT(s).

VERSUS

Rakesh Kuchhal

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Akashdeep, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

After arguing for some time, learned counsel for the appellants seeks permission to withdraw this appeal with prayer that appellants be allowed reasonable time for vacating and handing over the possession of the demised premises to the respondent-landlord.

In view of request made by learned counsel for the appellants, this appeal is dismissed as withdrawn. The appellants are allowed period upto 17.04.2017 to vacate and hand over the vacant possession of the demise premises to the respondent-landlord, subject to the following terms:-

- (i) The appellants-tenant will pay/deposit the entire due rent upto 31st October 2016 within two weeks.
- (ii) They will keep on paying/depositing the advance rent/mesne

profits of subsequent months upto 17.04.2017 on or before 7th day of each month.

(iii) They will file affidavit before the Executing Court within three weeks giving details of entire payment of rent/mesne profits and undertaking to vacate and hand over the vacant possession of the demised premises to the respondent on or before 17.04.2017.

In case of default of any of the above terms, the respondent-landlord will be entitled to execute the order of ejectment 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, he may file application to that effect. On receipt of the application, the same be listed for hearing.

October 17, 2016.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No