

RSA No.704 of 2016

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

RSA No.704 of 2016 (O&M)

Date of decision: 13.07.2016

Jai Gopal

....Appellant

Versus

Urmila Devi and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Vijay Lath, Advocate, for the appellant.

Mr. Gurpreet Singh, Advocate, for respondents No.1 to 3.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

This regular second appeal of defendant No.1 is directed against the judgment and decree dated 31.03.2012 passed by learned Civil Judge (Senior Division), Garshankar, whereby suit for mandatory injunction filed by respondents No.1 to 3/plaintiffs has been decreed as well as against the judgment and decree dated 10.09.2015 passed by learned Additional District Judge, Hoshiarpur, whereby appeal preferred by the appellant, has been dismissed.

I have heard learned counsel for the parties and perused the record.

While issuing notice of motion on 20.05.2016 following order was passed: -

“After arguing for some time, when Court was not inclined to call upon the other party, counsel for the appellant has submitted that he does not press the appeal on merits. It is further submitted that in para 5 of the grounds of appeal, the appellant fully understanding his position has made a request that he is ready to pay market price of land underneath atta chakki and is also ready to give in exchange other land to the respondents. It is further submitted that atta chakki is the only source of livelihood of the appellant and as the parties are closely related, the contesting respondents may be called to examine possibility of an amicable settlement.

To examine possibility of an amicable settlement, notice to respondents No.1 to 3 be issued for 02.06.2016.

Process dasti only.

In case, the appellant fails to ensure presence of respondents No.1 to 3 on the next date of hearing, the appeal shall be dismissed.”

To explore the possibility of settlement, parties were present in Court on 12.07.2016. It was agreed that some reasonable period will be granted to the appellant to hand over the possession of the property in question to respondents/plaintiffs, subject to filing of affidavit in this regard by the appellant. In pursuance of order dated 12.07.2016 appellant has filed his affidavit dated 13.07.2016.

Since appellant has been running his business of *atta chakki* for more than 35 years, which is his only source of livelihood, nine months' time is granted to the appellant to vacate the said premises. He will voluntarily hand over the possession of the property in question to

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the respondents/plaintiffs on or before 01.03.2017 and will continue to pay amount of ₹ 2500/- per month to the respondents/plaintiffs w.e.f. 01.06.2016 till 28.02.2017. Learned counsel for the parties agree that all the amount shall be deposited in the bank account of respondent No.1 – Urmila Devi. The appellant shall deposit the monthly amount on or before 10th day of every calendar month. The bank account number shall be supplied by respondent No.1 to the appellant forthwith.

Disposed of in above terms.

(Paramjeet Singh Dhaliwal)
Judge

July 13, 2016
R.S.