

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

**Regular Second Appeal No.5609 of 2015 (O&M)
Date of Decision: January 28, 2016**

Manish Kumar

.....APPELLANT.

VERSUS

Nirmal Singh and others

.....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Akshay Jindal, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

Learned counsel for the appellant has not pressed the appeal on merits and has sought grant of some time to vacate the disputed premises and hand over the possession of the same to the respondents-plaintiffs.

In view of the submissions of learned counsel for the appellant, the appeal is dismissed as withdrawn.

The appellant is, however, granted time of six months to vacate and hand over the vacant possession of the disputed property, subject to terms and conditions as follows:-

- (i) that the appellant shall pay mesne profits @ ₹5000/- per month from the date of filing of the appeal till 31st July, 2016.*
- (ii) that he will deposit the mesne profit for the month of*

January, 2016 by 15th February, 2016 and the mesne profit of the subsequent months will be paid by 7th day of each subsequent months.

(iii) that he will file undertaking within 4 weeks through an affidavit before the executing Court that he will vacate and hand over the vacant possession of the demised premises to respondent No.1 on or before 31st July, 2016.

Violation of above terms will allow the decree-holder to proceed with the execution and seek the remedy available to him.

The order has been passed in the absence of the respondents. The respondents, if feeling aggrieved by this order, they may move an application which on filing will be listed for hearing.

January 28, 2016.
deepak/jv.

(SURINDER GUPTA)
JUDGE