

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

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**CM-10592-CII-21017 in/and
CR No.2877 of 2012 (O&M)
Date of decision: 15.05.2017**

Lakhmi Chand Arya & another

....Petitioners

Versus

Swaran Singh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Anuj Raura, Advocate, for the petitioners.

Ms.Ekta Thakur, Advocate, for the respondents.

G.S. SANDHAWALIA, J. (Oral)

On 12.05.2017, the following order was passed:

“The present applications have been filed by the petitioners-tenants seeking time to vacate the premises in view of the weak financial positions and due to non-compliance of order dated 15.02.2017 whereby, mesne profits were fixed. It is pointed out that SLP Nos. 13518 and 13688 of 2017 have been dismissed on 01.05.2017. However, counsel prays that some time be given since the petitioners are in possession since several decades and one petitioner is selling cycles whereas, another one is selling second hand tyres.

Notice in the applications.

Ms. Ekta Thakur, Advocate accepts notice on behalf of the nonapplicant/respondents.

Let necessary affidavit be filed that the premises shall be vacated and keys would be handed over to the landlord/counsel by 31.07.2017.

To come up on 15.05.2017, the date already fixed in the main cases.

Photocopy of the order be placed on the file of connected case.”

In compliance of the same, necessary affidavit has been filed by the petitioners that the premises will be vacated by 31.07.2017 and accordingly, a prayer has been made to waive of the mesne profits, so assessed on 15.02.2017.

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Keeping in view the above facts, the present application is allowed, by allowing the necessary waiver as the tenants have agreed to hand-over the vacant possession of the premises in dispute by 01.08.2017, to the landlord or their counsel.

CR-2877-2012(O&M)

Keeping in view the indulgence which has been granted to the petitioners, the present revision petition is disposed of, as having been rendered infructuous. The petitioner-tenants shall be bound down by their undertaking. It is made clear that in case the possession is not handed-over, as directed, the Rent Controller, Chandigarh shall be free to put the landlord in possession and the order dated 15.02.2017, fixing the mesne profits, shall also come back into play and the landlord will be entitled to recover the amount as assessed.

15.05.2017
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*