

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

(101)

**CWP-18571-2015 (O&M)
Decided on: May 04, 2017.**

Indu Bala

.... Petitioner

Versus

Appellate Tribunal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Poonam Josan, Advocate, for the petitioner.

Ms. Kamalpreet Kaur, Advocate, for respondents No. 4 to 6.

M.M.S. BEDI, J (ORAL)

After hearing learned counsel for the petitioner as well as learned counsel for respondents No. 4 to 6 and taking into consideration the conduct of the petitioner for having not been able to comply with the interim direction of this Court to pay nominal money for use and occupation after the order of eviction passed by the District Magistrate vide Annexure P-5 dated 11.08.2015, it appears to be a case where husband of the petitioner, Amit Shukla, has not come forward to challenge the impugned order. The rights of the petitioner are closely knit with the individual right of the respondents not to remain in the possession of the property in dispute regarding which ejectment order has already been passed by the Maintenance Tribunal.

It does not appear to be a case where the husband of the petitioner could be said to be colluding with his parents to harass the petitioner.

No ground is made out for interference.

The petition is dismissed. However, taking into consideration the long duration for which the petitioner has been in occupation along with her husband in the premises in dispute, in the interest of justice, time of two months is granted to vacate the premises subject to the condition that petitioner will furnish an undertaking before the District Magistrate, Panchkula, within a week to the effect that she along with her husband would hand over the vacant possession to respondents No. 4 and 5 and will not create any third party interest in the property.

(M.M.S. BEDI)
JUDGE

May 04, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No