

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2818 of 2016 (O&M)

Date of Order: 14.12.2017

Vinod Kumar and another

..Appellants

Versus

Iqbal Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Alka Sarin, Advocate,
for the appellants.

Mr. Avnish Mittal, Advocate,
for the respondent.

ANIL KSHETARPAL, J (Oral)

While issuing notice of motion, this Court issued limited notice. An order passed on 03.06.2016 is extracted as under:-

“Counsel for the appellants, on instructions from Vinod Kumar, appellant no.1 present in Court, has submitted that the appellants pray for some time to vacate the premises in question but their appeal qua liability to pay mesne profits at the rate of Rs.80/- per day is required to be considered on merits.

Notice of motion to the aforesaid limited extent for 18.7.2016.

A copy of the order be appended alongwith the notice.

The respondent is directed to remain present in the Court, in person, on the adjourned date.

Till the next date of hearing, the appellant shall not be dispossessed from the suit property.”

Today, appellant no.1-Vinod Kumar, is present in court. He undertakes that he will hand over vacant possession of the premises in dispute to the plaintiff-respondent on or before 31.03.2018. A separate statement in the shape of undertaking of appellant no.1-Vinod Kumar has been recorded in this regard.

Learned counsel for the respondent is agreeable to the aforesaid undertaking given by appellant no.1.

In view thereof, the regular second appeal is disposed of in terms of the separate undertaking given by appellant no.1-Vinod Kumar.

As a matter of concession, the appellants shall not be liable to pay mesne profits for a period of three months from 01.01.2018 to 31.03.2018. The appellants shall remain bound by the statement made.

C.M.No.14802-C-2017

Prayer in this application is for preponing the date of hearing of the main appeal.

The present application has become infructuous in view of the judgment passed above.

Disposed of as such.

December 14, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No