

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

RSA No. 6148 of 2016 (O & M)

Date of Decision:-08.2.2017

M/s Shiv Marble Company and another

...Appellants

Versus

M/s Janta Land Promoters Limited

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vijay Lath, Advocate with
Mr. Kailash Chander, Advocate
for the appellants.

Mr. Kanwaljit Singh, Senior Advocate with
Mr. Parunjeet Singh, Advocate
for the respondent.

HARI PAL VERMA J.(Oral)

The appellant/defendant M/s Shiv Marble Company has filed the present regular second appeal against the judgment and decree dated 04.9.2015 passed by learned Additional District Judge, SAS Nagar, Mohali, whereas the judgment and decree dated 24.10.2013 passed by learned Civil Judge (Junior Division), Mohali has been reversed.

Initially, the respondent/plaintiff M/s Janta Land Promoters Limited has filed a suit for possession and recovery against the present appellants/defendants and the learned Civil Judge (Junior Division) vide judgment dated 24.10.2013 has dismissed the suit.

On 31.1.2017, this Court has passed the following order :-

“Learned counsel for the appellants confined his argument to the extent that let some reasonable time may be granted to the appellants to vacate the premises.

Notice of motion.

At this stage, Mr. Ajaivir Singh, Advocate, accepts notice on behalf of respondent.

During the course of arguments, learned counsel for the appellants has stated that the appellants are ready to vacate and hand over the vacant premise to the respondent within one year i.e. on or before 31.1.2018. He further states that the appellants are ready to pay the enhanced rent for the use and occupation of the premises from the existing slab of Rs.50,000/- to Rs.1,00,000/- per year for the remaining period. He seeks time to file an affidavit.

Adjourned to 03.02.2017.”

Pursuant to the aforesaid order dated 31.1.2017, appellant No.2, who is present in the Court, has filed an affidavit dated 08.2.2017 with an undertaking that the tenant shall vacate the premise on or before 31.1.2018 and pay the rental from 01.2.2017 till 31.1.2018 @ Rs.1,00,000/- per annum. However, arrears, if any, have to be paid @ Rs.50,000/- per annum.

Mr. Kanwaljit Singh, learned Senior Advocate appearing for the respondent has stated that he has no objection and let the appellants/defendants should vacate the premise on or before 31.1.2018 and to pay rent @ Rs.1,00,000/- per annum in terms of his affidavit.

Since the parties have agreed to act on the basis of affidavit

dated 08.2.2017, learned counsel for the appellants does not want to press this appeal further. However, learned counsel for the appellants state that in view of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter called 'the Act'), if any right accrues to the appellants/defendants, they be allowed to avail those rights.

Though this aspect is not the subject matter of the present appeal, let the appellants may approach to the authorities concerned in accordance with law.

Lest it may cause prejudice to the either parties, without commenting on the claim so agitated regarding claim under the Act, the present appeal is dismissed as not pressed.

February 08, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No