

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

RSA No.1065 of 2017 (O&M)
Date of decision: 22.02.2017

Sukhdev Raj

-----Appellant(s)

Vs.

Daljit Singh Gill

-----Respondent(s)

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

Present:- Mr. Veneet Sharma, Advocate
for the appellant.

Mr. Upender Prasher, Advocate
for the respondent.

HARI PAL VERMA, J. (Oral)

After arguing for some time, learned counsel for the appellant seeks to withdraw the present appeal, however, he submits that considering the fact that the appellant is a tenant in the shop in question for the last about 16 years, he be permitted to vacate the same on or before 30.11.2017. Learned counsel further submits that the appellant shall clear the entire outstanding amount of *mesne profit* within a week and shall continue to pay the *mesne* profit to the respondent-landlord by seventh of each calendar month.

Learned counsel for the appellant has filed affidavit of the appellant in Court, whereby the appellant has undertaken that he shall

hand over the vacant possession of the premises to the respondent on or before 30.11.2017. The affidavit so furnished is taken on record.

In view of the aforesaid undertaking made by the appellant, the present appeal is dismissed as withdrawn and the appellant is permitted to vacate the premises in question on or before 30.11.2017. However, it is made clear that the appellant shall clear the entire outstanding amount of *mesne profit* within a week and shall continue to pay the *mesne* profit to the respondent-landlord by seventh of each calendar month, failing which, the present appeal shall be deemed to have been dismissed.

February 22, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No