

**RSA No. 1787 of 2017 (O&M)**

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CM No. 5514-C-2017 in/and  
RSA No. 1787 of 2017 (O&M)  
Date of decision: 28.4.2017**

Lekh Raj Dhamija

...Appellant

Versus

Urmila Devi

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Anand Chibber, Sr. Advocate with  
Ms. Riya Bansal, Advocate  
for the appellant.

Mr. Kanwar Yuvraj Singh, Advocate  
for the respondent.

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**RAMESHWAR SINGH MALIK, J. (Oral)**

Unsuccessful defendant is in regular second appeal, against concurrent findings of facts recorded by both the learned courts below, whereby suit of the plaintiff-respondent for possession as well as permanent injunction was decreed by the learned trial court vide impugned judgment and decree dated 8.10.2015 and first appeal of the defendant was also dismissed by the learned first appellate court vide impugned judgment and decree dated 20.1.2017.

When the case came up for hearing on 5.4.2017, following order was passed by this Court:-

*“Learned counsel for the appellant seeks adjournment to place on record affidavit of the appellant along with a separate undertaking that he shall vacate the premises owned by the plaintiff-respondent within reasonable time.*

*On his request, adjourned to 28.4.2017.”*

In compliance of the abovesaid order passed by this Court, defendant-appellant moved miscellaneous application bearing CM No. 5514-C-2017 for permission to place on record Annexures A-15 and A-16. Application is allowed, as prayed for and Annexures P-15 and P-16, (wrongly typed in the application as Annexures A-15 and A-16) are permitted to be placed on record. Annexure P-15 is the affidavit dated 17.4.2017 of the appellant and Annexures P-16 is the undertaking dated 17.4.2017 of the appellant.

Para Nos. 1,2 and 3 of the undertaking read as under:-

- 1. “That the above said RSA is pending in this Hon’ble High Court and is fixed for 28.4.2017.*
- 2. That vide orders dated 5.4.2017, this Hon’ble Court was pleased to pass orders to place on record affidavit of the appellant with a separate undertaking that he shall vacate the premises owned by the plaintiff-respondent within reasonable time.*
- 3. That in compliance of the orders dated 5.4.2017, the appellant/respondent/deponent gives an undertaking that the deponent shall vacate the premises owned by the plaintiff-respondent on or before 15.10.2017.*

Learned counsel for the parties are ad idem that let the present

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appeal be disposed of, in terms of the abovesaid undertaking furnished by the appellant. In this view of the matter, the impugned judgments and decrees passed by the learned courts below are upheld. Instant appeal is disposed of in terms of the abovesaid undertaking given by the appellant. It goes without saying that the appellant shall be bound by the abovesaid undertaking given by him.

Disposed of, accordingly.

28.4.2017  
AK Sharma

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether Speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |