

RSA-2101-2017 (O&M)

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

RSA-2101-2017 (O&M)
Date of Decision : 18.07.2017

Ramesh Chand & Ors.

.....Appellants

versus

Mange Lal

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. P.R. Yadav, Advocate
for the appellants.

Mr. S.S. Khurana, Advocate
for the respondent.

RAJBIR SEHRAWAT, JUDGE (ORAL)

This is the regular second appeal preferred by the appellants/defendants against the concurrent finding of fact recorded by the learned courts below and the judgment and decrees passed by them whereby they were ordered to vacate the demised premises and to hand over the vacant possession to the respondent-plaintiff.

The facts of this case are that the respondent-plaintiff approached the Civil Court seeking a decree of mandatory injunction directing the appellants/defendants to vacate the suit property and to hand over the vacant possession to him and further a decree for permanent injunction restraining the defendant from making any material changes in the suit property. Both the courts below by the concurrent findings have held that the respondent-plaintiff is the owner in possession of the suit property and the defendants are continuing in possession the suit property despite having been asked by the respondent to vacate the same.

Vide order dated July 7, 2017 a Coordinate Bench of this Court has observed that the Court is not inclined to interfere on merits of the case and passed the following order:-

Defendants/appellants are in second appeal against the concurrent findings recorded by both the Courts below whereby while decreeing the suit of the respondents/plaintiffs, the defendants have been directed to hand over vacant possession of the portion of the residential property/suit property.

This Court is not inclined to interfere on merits, however, keeping in view the stay of the appellants in the house since their birth, is inclined to grant some reasonable time to vacate the premises.

Notice of motion of the respondent to the aforesaid extent for 18.07.2017.

On the asking of the Court Mr. S.S. Khurana, Advocate who is present in Court accepts notice on behalf of the respondent, filed his Vakalatnama and prays for time to seek instructions.

To be shown in urgent.

In view of the above order passed, the Court is not going on the merits of the case. However, on asking of the Court through the above said order, learned counsel for the respondent states that he is ready to give three months time to the appellants-defendants to vacate the property in question.

In view of above, the instant appeal is dismissed. Three months time is granted to the appellants-defendants to vacate the suit property and to hand over the vacant possession to the respondent.

18th July, 2017

Manju

**(RAJBIR SEHRAWAT)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No