

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

**RSA No. 40 of 2017 (O&M)
Date of decision: 15.3.2017**

Rajinder Parshad Khurana and another

...Appellants

Versus

Om Parkash Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Aman Sharma, Advocate
for the appellants.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant regular second appeal, at the hands of unsuccessful defendants, is directed against the impugned judgment and decree dated 14.9.2016 passed by the learned Additional District Judge, whereby first appeal of the appellants was dismissed and the impugned judgment and decree dated 29.1.2015 of the learned trial court, decreeing the suit of plaintiff-respondent for mandatory and permanent injunction, were upheld.

When the case came up for hearing on 10.1.2017, following order was passed by this Court:-

Learned counsel for the appellants submits that appellants are ready and willing to vacate the demised premises at an early date and in any case, they will hand over the vacant possession to the respondent within a period of two months from today. He further submits that appellant No.1 shall furnish an undertaking before the learned executing Court as well as before this Court within a period of one week from today.

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In view of the abovesaid request made by learned counsel for the appellants, appellant No.1 is directed to furnish his undertaking within a period of one week before this Court as well as before the learned executing Court. In case appellant furnishes such an undertaking, the execution of the impugned decree shall remain stayed for a period of two months from today.

List on 15.03.2017.

Thereafter, when case came up for hearing on 23.1.2017, following order was passed by this Court in CM No.310-C-2017

“Applicants seek permission to place on record undertaking by way of affidavit on behalf of the appellants, in compliance of the order dated 10.01.2017 passed by this Court.

Application is allowed, as prayed for. Undertaking in the form of affidavit is permitted to be placed on record.

CM stands disposed of.”

Learned counsel for the appellants, at the very outset, fairly states that since the vacant possession of demised premises has been handed over by the defendants-appellants to the respondent-plaintiff, nothing survives in the present appeal and the same may be disposed of, as having been rendered infructuous.

Ordered accordingly.

15.3.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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