

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

Date of decision: 13.09.2017

RSA No.4103 of 2017 (O&M)

Suresh Dutt Sharma

...Appellant

Vs.

Ruchira Lohiya

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjay Verma, Advocate, for the appellant.

M/s D.S.Dalal & S.C.Tripathi, Advocates, for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

Not having made any headway in the course of arguments for the admission of the instant appeal, learned counsel for the appellant submits that his client be given reasonable time to vacate the premises in dispute and to hand over its vacant and peaceful possession to the respondent/landlord.

After hearing learned counsel for the respondent/landlord and having considered the facts and circumstances and that the tenancy has been subsisting for long, it would then be reasonable that the premises in dispute shall be vacated by 31.01.2018 and vacant and peaceful possession handed over to the respondent/landlord. The appellant/tenant would furnish an undertaking before the learned trial Court/Executing Court that he will handover possession of the premises on or before the date fixed today in the original state in which the property was let out. Any damage done to the property will be open to assessment and recovery by the respondent/landlord even after the appellant quits.

Needless to say, the arrears of rent/*mesne* profits at the rate of ₹55,000/- per month will be cleared on or before 15.01.2018 in monthly payments due on the 15th day of each calendar month.

As a result of the above conclusion, the suit filed by the appellant/tenant for permanent injunction against the landlord is called on board in exercise of powers under Section 24 of the Code of Civil Procedure and is dismissed forthwith. The pending applications filed by the appellant/tenant before the Executing Court in the present proceedings shall stand dismissed as of today.

The Executing Court is directed to keep the execution proceedings in abeyance and the case adjourned to 31.01.2018. On an affidavit of compliance filed by the parties that premises have been handed over, the file be closed by the Executing Court. Thereafter, neither of the parties would have any right against each other arising out of the present proceedings except insofar as any recovery for damage to property is concerned. For that, liberty is granted to the respondent/landlord, if need be, to take recourse to law.

Consequently, while modifying the judgment and decree of the Courts below as per this order, the instant appeal stands disposed of with the above observations and directions.

13.09.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>