

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 4738 of 2017(O&M)

Date of decision November 21, 2017

Toshi and others

..... Appellants

Versus

Zafar Ali

..... Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Harkesh Manuja, Advocate
for the appellants.

Mr. S. R. Hooda, Advocate
for the respondent.

AVNEESH JHINGAN, J (ORAL)

The present Regular Second Appeal is a result of dispute between the real brother and sister. The suit was filed for mandatory injunction which was decreed by the trial court. The appeal was dismissed.

At the time of issuance of notice of motion, counsel for the appellants has argued that if a reasonable period is granted to vacate the house she would not press the present appeal.

On notice of motion, respondent has put in appearance and on instructions counsel for the respondent has submitted that he has no objection if the house is vacated within a reasonable time.

Appellant has agreed that the house will be vacated on or before 30.6.2018. The respondent has no objection if house is vacated on or before 30.6.2018. Now, nothing survives in this appeal to be adjudicated.

In view of the undertaking given by the counsel for the appellants on instructions from the appellant that she would be vacating the

house on or before 30.6.2018, the present appeal is disposed of as infructuous.

The appellant No.1 would file an undertaking within a period of 15 days before the Executing Court that she would be vacating the disputed premises on or before 30.6.2018, otherwise the appeal would stand dismissed.

(AVNEESH JHINGAN)

JUDGE

November 21, 2017

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No