

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

C.R No. 1965 of 2018 (O&M)
Date of decision : May 25, 2018

Gopal Krishan Mittal,

..... Petitioner

v.

M/S Bombay Motors

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. RK Gautam, Advocate
for the petitioner.

Mr. MK Dogra, Advocate
for the respondent.

Ajay Tewari, J (Oral)

This petition has been filed against the order of the executing Court declining an application moved by the landlord for pre-poning the execution proceedings.

Admitted facts are that the rent litigation had gone upto the Supreme Court. By an order dated 22.8.2013, the Supreme Court had decided the case wherein it had granted five years' time to the respondent-tenant (i.e uptill 21.8.2018) to hand over the vacant possession to the landlord/petitioner subject to his filing an undertaking before the Registry of the Supreme Court within four weeks.

The case of the landlord/petitioner is that his counsel in the Supreme Court ascertained that in fact the tenant had not filed any

undertaking as envisaged by the order dated 22.8.2013 and it was at that stage that he moved the present application for execution.

Counsel for the petitioner has argued that on 21.12.2016, the executing Court had directed the tenant-respondent to produce a certified copy of the undertaking which had to be filed in the Supreme Court within one month but till date the tenant has not filed the same thereby showing that he never filed any undertaking. As per him, by this stratagem the respondent wants to prolong the period of five years which was granted by the Supreme Court.

Counsel for the respondent has, however, argued that the respondent has no intention of overstaying beyond 21.8.2018 and has fairly stated that on the next date before the executing Court either he will file the certified copy of the undertaking which was filed in the Supreme Court or he will execute a fresh undertaking before the executing Court reiterating his resolve to hand over the vacant possession of the premises in dispute to the petitioner on or before 21.8.2018 in deference to the order passed by the Supreme Court. Counsel for the petitioner is also satisfied with this statement.

Consequently, this petition stands disposed of in the above terms.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 25, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No