

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

**Civil Revision No.2419 of 2018(O&M)
Date of Decision: 17.04.2018**

Vishal Anand

....Petitioner (s)

Versus

Vivek Anand

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. C.B. Goel, Advocate
for the petitioner(s).

HARI PAL VERMA, J. (Oral)

Petitioner-judgment debtor has filed the present revision petition under Article 227 of the Constitution of India for setting aside the order 06.04.2018 (Annexure P-5) passed by Civil Judge (Jr. Divn.), Ambala, whereby learned executing Court has directed the Bailiff to execute the warrant of possession, as the petitioner-judgment debtor has not vacated the first floor of the suit property in question.

After arguing for some time, learned counsel for the petitioner submits that this Court vide order dated 20.03.2018 passed in CR No.1866 of 2018 *Vishal Anand Vs. Vivek Anand* had directed the petitioner to file an undertaking in the shape of an affidavit, latest by 23.03.2018, so as to vacate the demised premises within three months. He submits that now, the petitioner is ready to furnish an undertaking with the executing Court that he shall vacate the demised premises in his possession on or before

30.06.2018 and shall not create any hindrance in the handing over of the possession with all fixtures.

At this stage, Mr. Sunil K. Tandon, Advocate has put in appearance on behalf of the respondent-decree holder and filed his *vakalatnama* in Court, which is taken on record.

Without making any interference in the impugned order dated 06.04.2018 (Annexure P-5) passed by the executing Court but considering the fact that the petitioner is ready to vacate the demised premises on or before 30.06.2018, the present petition is disposed of at this stage. The petitioner is allowed to stay in the demised premises till 30.06.2018. However, he shall hand over the vacant possession of the demised premises on or before 30.06.2018 itself and shall not create any hindrance in the handing over of the possession with all fixtures.

The petitioner is directed to submit an undertaking before the executing Court within a week from today stating therein that he shall vacate the demised premises on or before 30.06.2018. In case the petitioner fails to submit such undertaking within a week from today, the impugned order dated 06.04.2018 (Annexure P-5) passed by the executing Court shall automatically become operational after the expiry of one week.

Counsel for the respondent is directed to inform the respondent-decree holder about the order, so passed by this Court today for necessary compliance.

April 17, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No