

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

Date of decision: 31.10.2018

CR 5117 of 2018

Sham Sunder through his LRs

....Petitioner

versus

Ram Parkash

.....Respondent

CR 5637 of 2018

Ram Parkash

...Petitioner

versus

Sham Sunder through his Lrs

....Respondent

Coram: **Hon'ble Mrs. Justice Rekha Mittal**

Present : Mr. J K Singla, Advocate
 for the petitioner (CR 5117 of 2018)
 for the respondent (CR 5637 of 2018)

 Mr. Rajan Bansal, Advocate
 for the respondent (CR 5117 of 2018)
 for the petitioner (CR 5637 of 2018)

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Rekha Mittal, J. (Oral)

This order will dispose of aforesaid petitions as these have emerged out of the same order dated 21.07.2018 passed by the Appellate Authority, Bathinda whereby *mesne profits* have been assessed @ Rs.18,000.00 per month while staying operation of eviction order dated 17.10.2017.

After arguing for some time, counsel for the parties, on telephonic instructions from their clients, would state that the petitions may be disposed of subject to following conditions:-

- i) Petitioner - Sham Sunder through his legal representatives (in CR No. 5117 of 2018) shall hand over vacant possession of the tenanted premises to the respondent on/or before 31.10.2019;
- ii) Sham Sunder through his LRs shall furnish an undertaking

before the Rent Controller, Bathinda, that they shall hand over vacant possession of the tenanted premises on/or before 31.10.2019, within a period of one month from today;

iii) Sham Sunder through his LRs shall withdraw the appeal filed against eviction order passed by the Rent Controller, Bathinda;

iv) Sham Sunder through his LRs shall be liable to pay use and occupation charges at the rate of Rs.4,200.00 per annum (contractual rent) upto 31.10.2019 and the same shall be paid to the landlord by way of demand draft at the time of furnishing of undertaking before the Rent Controller, Bathinda; and

v) Respondent-Ram Parkash shall not be entitle to *mesne profits* @ Rs.18,000.00 per month, as assessed by the Appellate Court, in view of agreement arrived at between the parties.

Disposed of accordingly.

(Rekha Mittal)
Judge

31.10.2018
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