

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-6439-2014 (O&M)
Date of Decision : 28.11.2018

Simrat Bajwa

....Petitioner

vs.

Balbir Singh Chinna and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Abhishek Bajaj, Advocate
for the petitioner.

Mr. Rajinder Goyal, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This petition has been filed against the concurrent judgments of the Courts below passing an order of eviction against the petitioner.

With the intervention of the counsel the matter has been settled. Counsel for the petitioner states that the petitioner has also filed a suit for specific performance to purchase this very house which is pending before the trial Court. It has been agreed that the Trial Court shall decide it expeditiously and as far as possible before 1.7.2019. It has further been agreed that in case the civil suit is not decided in her favour, the petitioner shall hand over the vacant possession of the premises to the respondents on or before 31.7.2019. If that happens it has further been agreed that the respondents would spend at least seven months in India starting from

1.8.2019 till 31.7.2020. Parties are directed to appear before the Executing Court on 31.7.2020 and respondent No.1 would present his passport to corroborate that he has stayed in India for seven months. In that period if the respondent No.1 has not stayed in India for seven months the petitioner would be entitled to reclaim the possession and this order would be deemed to be vacated. The respondents have further undertaken that they would not press the application for mesne profit. Further it is directed that the petitioner would continue to pay rent at the contractual rate and in case she give vacant possession of the premises by 31.7.2019 she would be entitled to refund of the amount which she has deposited over and above the contractual rent. However in case the suit is not decided in her favour and she does not hand over vacant possession as agreed, the respondent would be entitled to mesne profit.

Both the parties will file undertaking to this effect before the Executing Court on or before 14.12.2018. The revision stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

28.11.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No