

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

CWP-24668-2017 (O&M)

Date of decision : 23.10.2018

Suresh Kumar Jain and another

...Petitioner(s)

Versus

Appellate Tribunal-cum-District Magistrate and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Petitioners in person with
Mr. Harkesh Manuja, Advocate.

Mr. Kapil Bansal, AAG, Haryana.

Mr. Arun Jain, Sr. Advocate,
with Mr. Sunil Sharma, Advocate,
for respondent No.3

JITENDRA CHAUHAN, J. (Oral)

Prayer in the instant writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari for quashing orders dated 17.05.2017 (Annexure P-7) and 29.09.2017 (Annexure P-8) passed by respondent Nos.2 and 1, respectively, whereby, the petitioners have been, *inter alia*, directed to pay ₹10,000/- per month to respondent No.3 as maintenance.

Learned counsel for the petitioners, on instructions, states that the petitioners are ready and willing to hand over the possession of the house in question in favour of respondent No.3, subject to the outcome of the litigation before the Civil Court.

The proposal put forth by learned counsel for the petitioners is acceptable to respondent No.3.

In view of the consensus reached between the parties, it is ordered that the petitioners shall hand over the vacant possession of the house in question to respondent No.3 within 15 days from today and the compliance report in this regard be sent to the Registrar General of this Court within three weeks thereafter. The impugned orders dated 17.5.2017 (Annexure P-7) and 29.9.2017 (Annexure P-8), passed by respondent Nos. 2 and 1, respectively, are hereby set aside. It is further directed that during the pendency of the litigation before the civil Court, the parties shall not create third-party rights qua the property in dispute.

Disposed of.

It is made clear that in case the petitioners do not hand over the vacant possession of the house in dispute to respondent No.3 within the stipulated period, the present petition shall be deemed to be dismissed without further notice.

23.10.2018

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No