

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-1937-2017 (O&M)

Date of Decision: June 01, 2018

Monika Gupta

...Appellant

Versus

Gurmeet Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Gourav Goel, Advocate,
for the appellant.

Mr. Namit Gautam, Advocate,
for respondent No. 1.

Mr. Anand Vardhan Khanna, Advocate,
for respondent No. 2.

ARUN PALLI, J. (ORAL)

On 30.05.2018, this Court had passed the following order:

*“ Learned counsel for the appellant submits
at the outset that the appellant is ready to vacate the
premises in question provided she is given another year
to stay therein, as in the meanwhile, she will arrange an
alternative accommodation.*

*As to this, learned counsel for respondent
No. 1 submits that if the appellant files an undertaking,
by way of affidavit, in support of the statement made by*

her counsel, respondent No. 1 would not even press or seek execution of the decree as regards the amount he has been awarded as mesne profit/use and occupation charges.

Learned counsel pray for a short accommodation to furnish the respective affidavits of the parties.

Adjourned to 01.06.2018.”

In compliance to the above order, the parties have filed their respective affidavits, which are taken on record.

Accordingly, the appeal is disposed of with the following observations:

- (a) The appellant-defendant shall continue to occupy the premises in her possession for a period of one year from today, i.e. 01.06.2018 till 31.05.2019.
- (b) On the expiry of the said period, the appellant shall vacate the accommodation, and handover its actual physical possession to respondent No. 1, free from all encumbrances.
- (c) On vacating and delivering possession to the decree holder on or before 31.05.2019, the respondent shall not execute the decree, and the same shall be deemed to have been satisfied.
- (d) However, if the appellant fails to deliver possession on or before the stipulated time, the respondent decree holder shall be free to execute the decree, dated 01.03.2017, forthwith.

- (e) The appellant shall continue to defray the expenses as regards water and electricity charges qua the area in her occupation, till she vacates the premises.
- (f) Additionally, the parties shall also file similar affidavit, in terms of the order dated 30.05.2018, even before the Executing Court, by 06.07.2018, failing which this order shall stand revoked.

(ARUN PALLI)
JUDGE

June 01, 2018
P Kapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO