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

**RA-RS-13-C-2018 in
RSA-4338-2009
Decided on: 09.03.2018**

Parminder Kaur and another**.....Appellants****versus****Amru Ram and others****.....Respondents****Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Gagandeep Singh Virk, Advocate
for the appellants.

Mr.Arvind Kashyap, Advocate &
Ms. Promila Nain, Advocate
for the respondents.

Rajbir Sehrawat, J.(Oral)

1. Vide order dated 28.09.2017, as an interim arrangement in the interest of the family, it was ordered that respondent No. 2-Jaswant Kaur shall vacate the first floor of the house in dispute and hand over the vacant possession to the appellants. However, thereafter the application was filed by respondent No. 2 that, in view of her peculiar situation, instead of vacating the first floor she would vacate whatever portion she had on the ground floor and that can be taken by the appellants. Accordingly, the order dated 28.09.2017 was modified and it was ordered on 08.11.2017 that respondent No. 2-Jaswant Kaur shall retain the first floor of the house and that she will vacate the two rooms (which is stated to be one big room converted into two by partition) on the ground floor which were occupied by her and where she was running small business of Photostat and STD

booth. Accordingly it was also ordered that if respondent No.2 does not vacate the ground floor within two months; then the appellants shall be at liberty to take recourse to the police help to get the two rooms at the ground floor vacated from respondent No. 2. This order was passed on the mutual understanding of the parties to the effect that the respondent No. 2 shall reside at first floor and the appellant and the mother-in-law/respondent No. 1 shall reside at the ground floor.

2. Thereafter, the respondent No. 2 vacated the said two rooms at the ground floor as per the order of this Court. This fact is not disputed by either of the parties. However, when the appellants tried to occupy the portion vacated by respondent No. 2 at ground floor, then the respondent No. 1; mother-in-law; denied entry to the appellants on the ground that the order of this Court meant only vacating of the two rooms on ground floor by respondent No. 2 and it did not specifically ordered that the portion vacated by respondent No. 2 on ground floor shall be occupied by the appellants.

3. Respondent No. 1 has clearly misconceived the order dated 08.11.2017 passed by this Court. As stated above, vide order dated 28.09.2017, it was the appellants who were ordered to take possession of the first floor. Thereafter, by the modified order dated 08.11.2017, the respondent No.2 was permitted to retain the first floor; and in lieu thereof, the appellants were to occupy the two rooms to be vacated by respondent No. 2 at the ground floor. That is why order dated 08.11.2017 had granted liberty to the appellants only; to take recourse to the police help to get the two rooms on the ground floor vacated from respondent No. 2, in case, she did not vacate that portion within the specified time. Therefore, there was no doubt left that the portion at the ground floor; to be vacated by

4. However, to remove any confusion any more and to pre-empt any dispute between the parties, it is ordered that the portion vacated by respondent No. 2 at the ground floor, which is stated to be one big room partitioned to make two rooms, shall be occupied by the appellants. Since, admittedly, respondent No. 2 has already vacated the portion at the ground floor, therefore, the possession of the portion vacated by respondent No. 2 shall be handed over to the appellants, forthwith. The remaining portion at the ground floor shall remain with the mother-in-law, respondent No.1 (Naseeb Kaur). The appellants shall be having full rights of ingress and egress to the portion which they are occupying now. If there is no facility of toilet in the portion to be occupied by the appellants, they will be at liberty to create this facility as a temporary measure; without any obstructions from the mother-in-law-Naseeb Kaur or from anybody else. It is further ordered that if the possession of the portion at the ground floor, as ordered above, is not handed over to the appellants today itself then the appellants shall be at liberty to take recourse to the police help; without any further order from this Court.

5. No further application in this case will be entertained for any modification/review of this order any more.

6. In view of the above, review application is disposed of in abovesaid terms.

9th March, 2018

shabha

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned	-	Yes
Whether reportable	-	No