

CR No. 1035 of 2019
DECIDED ON: FEBRUARY 22, 2019

....PETITIONERS

.....RESPONDENTS

The respondent No.1 has filed a caveat petition.

The facts in brief are that respondent No.1-caveator (in the present petition) filed a suit for possession on the basis of a 'Will'. The said suit was allowed vide judgment and decree dated 11.03.2016. Against the judgment and decree, petitioners filed an appeal, which was dismissed on 03.11.2016 by learned Additional District Judge, Jalandhar. Thereafter, petitioners filed a regular second appeal in this Court, which was also dismissed vide order dated 19.12.2017. An execution application was filed by the decree holder. The petitioners raised an objection that a review petition is pending in this Court in regular second appeal. The said objection was not sustained by the Court and it was ordered that police help be provided for execution of warrants of attachment and warrants of possession. Aggrieved of the said order, the present civil revision petition has been filed.

After arguing for some time, learned counsel for the petitioners restricted his prayer that some reasonable time be granted to the petitioners to vacate the property in dispute and to hand over the vacant possession.

Learned counsel for the caveator contends that in case the petitioners are ready to pay certain amount for staying in the property in dispute for the period granted by this Court, he has no objection for granting time.

Both the parties agreed that six months time be granted to the petitioners from today for vacating the property in dispute and further that ₹1,00,000/- would be paid to respondent No.1 for the said period.

It may be noted at this stage that petitioners are husband and wife. Petitioner No.2-husband has furnished an affidavit, which is taken on record.

Learned counsel for respondent No.1 has accepted the terms and

conditions as mentioned in the said affidavit.

In view of the statements made by learned counsel for the parties and affidavit of petitioner No.2, it is ordered that petitioners shall deposit an amount of ₹1,00,000/- in the account of respondent No.1 within four weeks from today, the details of bank account would be submitted by respondent No.1 within a week from today. Further, petitioners shall vacate and hand over the vacant possession of the property in dispute to respondent No.1 on or before 22.08.2019.

Needless to add that the afore-said arrangement is only with regard to execution of judgment and decree dated 11.03.2016. This arrangement shall not affect on the rights and liabilities of both the parties in any other proceeding.

Disposed of accordingly.

FEBRUARY 22, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes***