

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

RSA No. 2282 of 2019(O&M)

Date of Decision: September 30 , 2019.

Malkeet Singh

..... PETITIONER (s)

Versus

Darshan Singh

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sunil Agnihotri, Advocate
for the appellant.

Mr. Vishal Nehra, Advocate
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Appellant-defendant (tenant) is aggrieved of judgments and decrees dated 11.04.2017 and 07.01.2019 passed by the learned Civil Judge (Junior Division), Dasuya and the learned Additional District Judge, Hoshiarpur, respectively, whereby suit for possession filed by the respondent-plaintiff (landlord) has been decreed. Ejectment of the appellant from the demised premises has been ordered.

Appellant-Malkeet Singh, duly identified by his counsel, is present in Court today. Learned counsel for the appellant, on his instructions, submits

that the appellant does not press this appeal on merits, but at the same time, he seeks some time to make alternate arrangements and handover the vacant peaceful possession of the property in question. The appellant, it is submitted, may be permitted to retain the demised premises till then. He further prays for some concession regarding the payment of arrears of rent. Appellant further submits that he shall handover the vacant, peaceful possession of the property in question, on or before 01.12.2019.

Respondent-landlord, duly identified by his counsel, is also present in Court.

The parties have agreed that the appellant shall handover the vacant, peaceful possession of the premises in dispute on or before 01.12.2019. It is further agreed that the appellant shall pay ₹40,000/- to the respondent within five weeks from today towards arrears of rent including the rent, if any, for the period till 01.12.2019. Respondent-landlord has agreed to waive of any other amount which may be due towards him from the appellant-tenant.

Keeping in view the facts and circumstances of the case as well as the specific stand of both the parties, this appeal is dismissed as not pressed. However, the appellant-tenant is entitled to retain possession of the demised premises till 30.11.2019, subject to his furnishing a specific undertaking before the learned Executing Court, Dasuya within two weeks of the receipt of certified copy of this order, to the effect that he shall handover the vacant, peaceful possession of the property in question to the respondent-landlord on or before 01.12.2019 and that he shall deposit the sum of ₹40,000/- within five weeks from today.

It is made clear that in case, the said undertaking is not furnished by the appellant within a period of two weeks from the date of receipt of certified copy of this order or in case of any violation of the aforesaid terms, the respondent-landlord shall be entitled to seek eviction of the appellant from the demised premises forthwith, with police help and without recourse to any remedy, besides, the appellant – tenant making himself liable to contempt proceedings.

September 30 , 2019.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No