

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

RSA No.2704 of 2019 (O&M)
Date of Decision: July 19, 2019

Gurnam Singh @ Shammi

...Appellant

Versus

Bawa Harbhajan Singh (since deceased) through
his legal representative Ajay Bawa

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ajay Pal Singh, Advocate
for the appellant.

Ms. Munisha Gandhi, Senior Advocate with
Mr. Sagar Aggarwal, Advocate
for the caveator-respondent.

JAISHREE THAKUR, J. (Oral)

Heard.

Notice of motion.

At this stage, Mr. Sagar Aggarwal, Advocate, who is assisting
Ms. Munisha Gandhi, Senior Advocate appearing on behalf of the caveator-
respondent, accepts notice.

This is an appeal that has been filed seeking to challenge the
judgments and decrees passed by the courts below, allowing the suit of the
respondent-plaintiff for mandatory injunction, directing the appellant-
defendant herein to hand over the physical vacant possession of the suit
property (as shown in the site plan Ex.DW6/1) as well as to pay ₹ 5000/- per

month as mesne profits w.e.f. 24.12.2006 till the date when the actual possession is handed over to the respondent-plaintiff, subject to payment of court fee.

Without addressing arguments on the merits of the case, counsel for the appellant herein makes two fold prayer, one for reduction for mesne profits, as assessed by the lower court and second for adequate time to hand over the vacant possession of the suit property.

Ms. Munisha Gandhi, learned Senior counsel, assisted by Mr. Sagar Aggarwal, Advocate accepts the offer of the counsel for the appellant, while submitting that the respondent would have no objection in case, the appellant herein is allowed two months time to hand over the vacant possession of the suit property with the condition that he clears all arrears of mesne profits within two months from December, 2009.

I have heard counsel for the parties.

In the interest of justice, to put an end to the litigation, this court deems it appropriate to allow the appellant herein two months' time to vacate the suit property i.e. possession be handed over to the respondent on or before 20.09.2019. As far as mesne profits is concerned, a sum of ₹ 5000/- per month had been assessed by the lower court, which amount is being reduced to ₹ 2000/- per month. The appellant herein is directed to clear all arrears of mesne profits, as payable by him to the respondent, @ ₹ 2000/- per month from December, 2009 within a period of 04 weeks from today. The respondent herein would be liable to pay the court fees on the amount of mesne profits, as directed by the lower court.

Needless to say, in case, the arrears of mesne profits are not

cleared, the respondent herein would be entitled to seek possession of the suit property through the executing court and the protection of two months will be deemed to have been forfeited.

The instant appeal stands disposed of in the aforesaid terms.

List on 27.09.2019.

July 19, 2019

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No