

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

R.S.A No. 4573 of 2019
Date of decision : 31.10.2019

YogitaAppellant

versus

Jat Dharamshala Sabha, Sirsa ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Akashdeep Narula, Advocate
for the appellant.

RITU BAHRI, J. (Oral)

C.M. No. 12993-C-2019

For the reasons mentioned in the application, delay of 13 days in
refiling of the appeal is condoned.

The application stands disposed of accordingly.

R.S.A No. 4573-2019

The present appeal is directed against concurrent finding of facts
recorded by both the Courts below whereby suit filed by plaintiff/respondent
against the defendant/appellant has been decreed.

Learned counsel for the appellant inter alia contends that the
appellant has proved on record that appellant had paid the rent of the disputed
shop to the respondent as per Ex D3 to D20. However, the suit filed by the
respondent has been decreed by both the Courts below by giving a concurrent
finding of fact that earlier the suit filed by the present appellant was dismissed by
the Court holding that the plaintiff failed to prove that she is tenant of defendants
although she is proved to be in possession of the disputed shop. Further appellant
has not appeared in the witness box and examined her special attorney Jitender

Aggarwal.

After arguing at length and having failed to convince the court on merits, learned counsel for the appellant wishes to withdraw the present appeal provided some reasonable time may be granted to him to leave the shop in dispute.

Accordingly, this appeal is dismissed as withdrawn, however, six months' commencing w.e.f. 31.10.2019 is granted to the appellant for making alternative arrangement, subject to furnishing an undertaking on or before 13.11.2019 before the trial Court that he shall hand over actual physical vacant possession of the shop to the respondent by 01.05.2020. The undertaking shall also state that he shall continue to pay future rent w.e.f. 01.11.2019 at the rate of Rs. 2000/- per month by 10th of each calender month. Needless to say that any violation of the aforesaid terms shall entitle the landlord to seek her eviction forthwith with police help, if necessary, without recourse to any other remedy besides the appellant making herself liable in contempt proceedings.

October 31, 2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No