

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

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IN VIRTUAL COURT

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RSA No. 4968 of 2012 (O & M)

Date of decision : 10.1.2022

Manju Singhal and another

.....Appellants

Vs.

Anju Mittal Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Gaurav Chopra, Senior Advocate with
Mr. Anurag Chopra, Advocate, for the appellants
Mr. Pawan Kumar, Senior Advocate with
Mr. Surya Kumar, Advocate, for the respondents

Rajbir Sehrawat, J. (Oral)

This appeal has been filed against the judgment and decree dated 24.7.2012 passed by the Additional District Judge, Chandigarh, setting aside the judgment and decree dated 19.8.2011 passed by the Civil Judge (Junior Division), Chandigarh, passed in Civil Suit No. 3410 of 2008), whereby the suit for mandatory injunction was allowed and directed the defendants to vacate the ground floor of the house in question.

After arguing the case at length; the counsels, on instructions from the respective parties; who are present during the hearing, have submitted that the matter can be settled in an amicable manner. As per the agreement between the parties, the appellants have agreed to grant time to the respondents; for vacation of the property in question; upto 31.12.2022. The respondents have agreed to vacate the premises by the date specified by the appellants and to pay the occupation charges to the appellants at the rate of Rs.20,000/-per month, which shall be paid by 10th of every month by bank transfer or by cheque.

In view of the above, the impugned judgment and decrees are set aside and the present appeal is disposed of in terms of the above said compromise arrived at between the parties.

Accordingly, the respondents are directed to vacate the premises in question or or before 31.12.2022. However, it is further ordered that in case the premises is not so vacated upto 31.12.2022 then on 1.1.2023, the appellants shall be entitled to take possession of the property in question by taking police help; without requirement of any further orders from any Court. Still further, whatever articles or items are found lying in property in question on 1.1.2023, the same shall be deemed to have been forfeited in favour of the appellants and the appellants shall be entitled to appropriate the same or to dispose of the same as their own property, if they so desire.

The usage charges are made payable w.e.f. January 2022 and ordered to be paid by 10th of every month through bank transfer or through cheques. The parties have informed that an amount of Rs.10,000/-have already been paid for the month of January 2022 as per previous order passed by the Court. Hence, for the current month, the respondents shall pay only Rs.10,000/-more for this month. However, from next month; till December 2022, the respondents shall make the payment as per the arrangements and orders made above.

The decree sheet be drawn accordingly.

All the pending applications stands disposed of accordingly.

(RAJBIR SEHRAWAT)
JUDGE

10.1.2022

Ashwani

ASHWANI KUMAR
2022.01.11 14:15
I attest to the accuracy and
integrity of this document

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No