

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CR No. 3460 of 2023 (O&M)

Date of Decision : 02.06.2023

Gian Chand

...Petitioner

Versus

Rakesh Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Nitish Garg, Advocate for the Caveator-respondent.

Harsimran Singh Sethi J. (Oral)

CM-10347-CII-2023

Application is allowed, as prayed for.

CR-3460-2023

1. Learned counsel for the petitioner submits that he has instructions not to press the present petition on merits and will only be seeking time for vacation of the premises.

2. Learned counsel for the petitioner further submits that as the premises are in the possession of the petitioner since 1983 and he is to re-allocate his business, a period of one and half year be given so as to re-allocate his business.

3. Notice on the said aspect only.

4. Mr. Nitish Garg, Advocate, appears in Court and accepts notice on behalf the respondent.

5. Learned counsel for the respondent submits that the petitioner may retain the premises for a period of one year, in case the petitioner clear all his dues and undertakes before the Executing Court that he will keep on paying the mesne profit as assessed by the Competent Court of Law till he will occupy the premises.

6. After hearing both the parties, the present civil revision petition is disposed of having been not pressed with liberty to the petitioner to file appropriate application along with an affidavit before the Executing Court so as to allow him to retain the premises for a period of one year i.e. upto 31.05.2024. However, the said retention of the premises in question would be subject to the condition that petitioner will given undertaking before the Executing Court that all the arrears already pending upto the date of undertaking will be cleared by the petitioner in a time bound manner and he will keep on paying the assessed mesne profit upto the date, he will retain the said premises.

CM-10348-CII-2023

As the main petition has been disposed of, the present application stands disposed of.

June 02, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No