

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

**CM-13313-C-2023 IN/AND
RSA-2528-2018 (O&M)
Date of decision: 11.12.2023**

Ravinder Mohan

....Applicant/Appellant

Versus

Bachni Devi (since deceased) through her LRs

....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Nitish Garg, Advocate
for the applicant/appellant.

NAMIT KUMAR J. (Oral)

CM-13313-C-2023

Prayer in this application filed under Section 151 CPC is for preponing the date fixed in the main appeal, which is pending adjudication for 26.02.2024.

Heard.

For the reasons stated in the application, which is supported by an affidavit, the same is allowed and the main appeal is taken up today for hearing.

CM-13312-C-2023

Prayer in this application filed under Section 151 CPC is for placing on record the copy of order dated 23.11.2023, passed by the learned Additional Civil Judge (Sr. Division), Balachaur.

Heard.

For the reasons stated in the application, the same is allowed and the copy of the order dated 23.11.2023 passed by the learned Additional Civil Judge (Sr. Division), Balachaur, is taken on record as Annexure A-7.

RSA-2528-2018 (O&M)

The appellant has filed the instant appeal against the judgment and decree dated 15.02.2016 passed by the learned trial Court whereby the suit for possession by way of redemption filed by the plaintiff/respondent has been decreed and the appellant/defendant was directed to hand over the vacant possession of the shop, in question within a period of 60 days to the LR's of the plaintiff, as well as the judgment and decree dated 05.12.2017 passed by the learned Appellate Court whereby the appeal preferred by the appellant against the aforesaid judgment and decree dated 15.02.2016, has been dismissed.

Learned counsel for the appellant, at the outset, submits that he may be permitted to withdraw this appeal as the appellant is willing to vacate the demised premises within a period of 01 month i.e. on or before 12.01.2024 and till then, his possession may be protected.

In view of the submissions made by learned counsel for the appellant, this appeal is ordered to be dismissed as withdrawn.

The appellant shall file an undertaking before the concerned Executing Court within a period of 01 week from today, to the effect that he will vacate the demised premises within a period of 01 month i.e. on or before 12.01.2024, and till 12.01.2024, his possession is protected.

Misc. Application(s) pending, if any, shall also stand disposed of accordingly.

(NAMIT KUMAR)
JUDGE

11.12.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No