

ITEM NO.18

COURT NO.17

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 11493/2017

(Arising out of impugned final judgment and order dated 09-11-2016 in RSA No. 453/1990 passed by the High Court Of Punjab & Haryana At Chandigarh)

KANHAIYA LAL (D) THR LRS Petitioner(s)

VERSUS

SARWAN KUMAR (D) THR LRS Respondent(s)

Date : 09-05-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)

Mr. Gagan Gupta, AOR

For Respondent(s)

Mr. Parikshit Mahipal, Adv.
Ms. Sweta Rani, AOR

UPON hearing the counsel the Court made the following
O R D E R

After hearing learned counsel for the parties, we do not find any ground to interfere with the impugned order dated 09.11.2016 passed by the High Court of Punjab and Haryana at Chandigarh in R.S.A. no. 453/1990 (O&M).

In view of the above, the special leave petition stands dismissed.

At this stage, learned counsel for the petitioners prays for grant of some time to handover the possession of the suit premises. On the other hand, learned counsel for the respondents has no objection to grant some reasonable time to the petitioners.

Considering the fact that suit for possession was filed by the respondents-plaintiffs in 1987 and since then, the appellants are in possession, we deem it appropriate to grant time to hand over the vacant possession of the suit property to the petitioners upto 30.11.2023 subject to furnishing an undertaking within one month from today before the trial Court to hand over the peaceful possession on or before the said date. The petitioners shall not part with the possession of the suit property to any third party. It is made clear that if an undertaking is not furnished within the time so specified, the respondents shall be at liberty to execute the decree passed by the trial Court, restored by the High Court by the impugned order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER (NSH)