

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CR No.5 of 2007

Decided on: January 12, 2007

Suresh Shandil

.....Petitioner.

VERSUS

Surindra Upadhiyay & Ors.

.....Respondents.

Coram

The Hon'ble Mr. Justice V.K. Gupta, Chief Justice.

Whether approved for reporting?

For the Petitioner: Mr.Ajay Kumar, Advocate.

**For the respondents: Mr.Kuldip Singh, Sr.Advocate with
Mr.Bimal Gupta, Advocate.**

V.K. Gupta, Chief Justice (Oral)

Caveat No.735/2006:

Allowed and disposed of.

C.R.No.5 of 2007:

On this petition coming up for consideration today, Mr.Ajay Kumar, learned counsel for the petitioner, submits that he has instructions to withdraw this petition if reasonable time, say about six months, is given to the petitioner to vacate the premises in question and handover the vacant possession thereof to respondent No.1 subject to the petitioner's filing an undertaking on usual terms in this Court to the aforesaid effect. Mr.Kuldip Singh, learned Senior

¹ *Whether the reporters of the local papers may be allowed to see the Judgment?*

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Counsel, appearing for the respondents, has no objection to this course being adopted.

2. Based upon the aforesaid submission and the undertaking of Mr.Ajay Kumar and the aforesaid response of Mr.Kuldip Singh, this petition is dismissed as withdrawn. It is directed that the eviction order in question shall not be executed until 30th June, 2007. This is subject to the condition that the petitioner vacates and hands over the vacant possession of the premises in question to respondent No.1 by or before 30th June, 2007. This is also subject to the condition that the petitioner pays to respondent No.1 all arrears of rent / use and occupation charges upto 31st December, 2006 within four weeks from today and the monthly rent / use and occupation charges, starting from the month of January, 2007 upto the actual date of vacation by the 10th day of every month. The monthly rent for the month of January 2007, however, shall be paid by 31st January, 2007. The aforesaid payment of arrears as well as the monthly rents can be made by remitting the same through an account's payee cheque drawn in favour of respondent No.1, to be delivered to Mr.Bimal Gupta, Advocate, learned counsel for respondent No.1.

3. The aforesaid is also subject to the condition of the petitioner filing an undertaking on usual terms as well as to the aforesaid effect in the Registry of this Court before 9th March, 2007.

3. If either the undertaking is not filed or the aforesaid payments are not made, the eviction order in question shall become executable immediately and forthwith.

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CMP No.23 of 2007:

In view of the order passed in the main matter, this application is also disposed of.

January 12, 2007
(soni)

(V.K. Gupta)
Chief Justice.