

Counsel for the plaintiff respondent ultimately agreed for two years' time provided the defendant appellant furnishes undertaking before the trial court latest by 20<sup>th</sup> March, 2012 to the following effect that (i) he will handover vacant possession of one room till 28<sup>th</sup> February, 2014 and will not create third party rights, (ii) the mesne profits at the rate of Rs.50/- per month from 29.1.1994 till date along with the interest @ 4% per annum be deposited within a period of one month from today. Thereafter the mesne profits at the rate of Rs.50/- per month after 31<sup>st</sup> March, 2012 will be paid by 15<sup>th</sup> day of each month; and (iii) in case of default in payment of three months' mesne

profits or violation of any of the aforesaid conditions the plaintiff-respondent shall be entitled to execute the decree.

In view of the above, the appeal stands dismissed.

**(PREM SHANKER ASOPA)J.**

Bairwa

"all corrections made in the judgment/order have been incorporated in the judgment/order being emailed"

Kailash Chandra Bairwa  
Sr.P.A.