

**(2023) 01 UK CK 0014**

**In the Uttarakhand High Court**

**Case No : Civil Revision No. 75 Of 2022**

Superintendent Of Post, Post Office Tehri Division, New Tehri  
And Others

APPELLANT

Vs

Jas Ram

RESPONDENT

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**Date of Decision : 06-01-2023**

**Acts Referred:**

Provincial Small Cause Courts Act, 1887 — Section 25

**Citation : (2023) 01 UK CK 0014**

**Hon'ble Judges : Alok Kumar Verma, J**

**Bench : Single Bench**

**Advocate : Pankaj Chaturvedi, Niranjana Bhatt**

**Final Decision : Disposed Of**

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## **Judgement**

Alok Kumar Verma, J

1. Present Revision has been filed under Section 25 of the Provincial Small Cause Courts Act, 1887 against the judgment and decree dated 05.04.2022, passed by learned Judge, Small Cause Court/District Judge, Uttarkashi in SCC Suit No.01 of 2020, "Jasram vs. Superintendent of Post, Post Office, Tehri Garhwal, District Tehri Garhwal and three Others", by which, the said SCC Suit has been decreed and by decreeing the said suit, the learned Trial Court has directed the revisionists-defendants to vacate the suit property within three months.

2. Heard Mr. Pankaj Chaturvedi, learned counsel for the revisionists and Mr. Niranjana Bhatt, learned counsel for the respondent.

3. Present Revision has been filed along with an application to condone the delay of 64 days in preferring the proposed revision. The said application has not been opposed by the respondent. In the interest of justice, Delay Condonation Application (IA No.2 of 2022) is allowed. Delay of 64 days, in preferring the revision, is condoned.

4. Learned counsel appearing for the revisionists-defendants submitted that he has received instructions from the revisionists and according to the said instructions, the revisionists undertake to vacate the said property by 31.01.2024. He further submitted that Mesne profit @ Rs.3000/-per month shall be deposited before the court concerned/paid by the revisionists-defendants to the respondent-plaintiff regularly.
5. Learned counsel for both the parties submitted that on the said oral undertakings, the present revision may be disposed of.
6. In view of the said oral undertakings, the revisionists-defendants may not be evicted from the suit property till 31.01.2024, provided they deposit/pay the said mesne profit, as submitted by the revisionists-defendants, regularly. The revisionists are directed to vacate the said property and handover the vacant possession of the said property to the respondent by 31.01.2024.
7. It is clarified that in case of default in payment of said mesne profit, the revisionists shall be liable to vacate the said property even before 31.01.2024, but in accordance with law.
8. Subject to the aforesaid undertakings, and, with the consent of learned counsel for the parties, present Revision (CLR No.75 of 2022) is disposed of.