

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER

IN

S.B. Civil Second Appeal No.54/1981

Chandu Lal (since deceased) through L.Rs.
Laxminarain Gupta & Others
...defendant-appellants

Versus

Nand Kishore S/o late Shri Kanhaiya Lal & Others
...plaintiff-respondents

Date of Order ::: 31.10.2006

Present

Hon'ble Mr. Justice Narendra Kumar Jain

Shri S.M. Mehta, Sr. Advocate, with
Shri Anil Mehta and
Shri R.K. Mathur, Counsel for defendant-appellants
Shri Laxminarain Gupta, defendant-appellant no.1/1,
present-in-person.
Shri M.M. Ranjan and
Shri R.P. Agarwal, Counsel for plaintiff-respondents
Shri Ramesh Chand Mamodia, plaintiff-respondent
no.9/3, present-in-person

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//Reportable//

Learned counsel for the defendant-appellants,
on the instructions of Shri Laxminarain Gupta, the
defendant-appellant no.1/1, who is present in the
court, as well as other defendant-appellants, does not
press this appeal on merits and prays that some
reasonable time may be granted to the defendant-
appellants to handover peaceful and vacant possession
of the entire suit premises as per decree of the first
appellate court dated 9.12.1980 passed by the
Additional District Judge No.1, Alwar in Civil Appeal

No.12/78 (344/77) to the plaintiff-respondents. Learned counsel for the plaintiff-respondents, on the instructions of Shri Ramesh Chand, the plaintiff-respondent no.9/3, who is present in the court, as well as other plaintiff-respondents, does not object the prayer for grant of time up-to 31st of December, 2007 to the defendant-appellants to handover peaceful and vacant possession of the entire suit premises.

Both the parties have agreed to the following terms and conditions:-

- 1.The defendant-appellants undertake to hand-over the vacant and peaceful possession of the rented premises, in dispute, to the plaintiff-respondents on or before 31st of December, 2007. The plaintiff-respondent shall not execute the impugned decree till 31st of December, 2007.
- 2.The defendant-appellants undertake to pay or deposit the entire arrears of mesne profit/rent, if any, within a period of one month from today and will further continue to pay the monthly mesne profit/rent by 15th day of each succeeding month or in advance to the plaintiff-respondents.
- 3.The defendant-appellants further undertake that they shall not sub-let,

assign or part with the possession of the rented premises or any part thereof in favour of any one else and would not create any third party interest in the same during the aforesaid period.

4. The defendant-appellants shall furnish a written undertaking incorporating the aforesaid conditions, in the Lower Court within a period of four weeks from today.

5. The plaintiff-respondents shall furnish their bank account to the defendant-appellants or their counsel within a period of two weeks from today. In case, the details of the bank account are furnished by the plaintiff-respondents then the defendant-appellants are directed to deposit the amount of all arrears as well as future mesne profits in the said bank account of the plaintiff-respondents. In case the details of the bank account are not furnished by the plaintiff-respondents then it will be open for the defendant-appellants to deposit the amount, as directed above, in the lower court itself.

It is made clear that in case the defendant-appellants do not comply with any of the aforesaid conditions, then it will be open for the plaintiff-

respondents to get the decree passed in their favour executed even before the aforesaid date and to initiate contempt proceedings in this court.

With the aforesaid terms, conditions and directions, the second appeal is accordingly dismissed as not pressed.

(Narendra Kumar Jain) J.

//Jaiman//