

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAI PUR BENCH, JAI PURJUDGMENT

S. B. Civil Second Appeal No. 324/2010
Shankarlal Gaur Vs. Sajjanmal Mehta.

DATE OF JUDGMENT: 31-01-2011

P R E S E N T

Hon'ble Mr. Narendra Kumar Jain, J.

Mr. Peush Nag, for the appellant.
Mr. Anil Mehta, for the respondent.

BY THE COURT:

Heard learned counsel for the parties.

2. Learned counsel for the appellant on instructions of the appellant does not press the appeal on merits and prays for grant of one year's time to hand over vacant and peaceful possession of the rented premises to the plaintiff-respondent.

3. Learned counsel for the respondent has no objection in granting time to the appellant.

4. Both the parties have agreed to dispose of the present second appeal on the following terms and conditions:

1. The defendant-appellant undertakes to hand over vacant and peaceful possession of the rented premises in dispute to the plaintiff-respondent on or before 31.01.2012. The plaintiff-respondent shall not execute the impugned decree of eviction till 31.01.2012.

2. Defendant-appellant undertakes to pay or deposit all the arrears of rent/mesne profit due till now as per directions of the courts below within a period of two months from today and will continue to pay or deposit the future mesne profit by 15th day of each succeeding month or in advance to the plaintiff-respondent till the date of actual delivery of the possession.

3. Plaintiff-respondent shall furnish details of bank account to the defendant-appellant within two weeks from today. If details of bank account are not furnished, then it will be open for the appellant-defendant to deposit the amount in the trial court.

4. Defendant-appellant further undertakes that they will not sub-let, assign or part with the possession of the rented premises or any part thereof in favour of anyone else and would not create any third party interest in the same during the aforesaid period.

5. Defendant-Appellant shall furnish a written undertaking incorporating the aforesaid conditions in the trial court or executing court or before this Court with an advance copy to the learned counsel for the respondent within a period of one month from today.

6. If the appellant does not comply with any of the aforesaid terms and conditions and/or fails to make payment of arrears of rent/

mesne profit or future rent/mesne profit, as directed above for consecutive three months, then it will be open for the respondent to get the decree of eviction passed in his favour executed even before the aforesaid date and to initiate contempt proceedings in this Court.

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

(Narendra Kumar Jain), J.