

S.B. Civil Writ Petition No. 13852/2011
Bhanwar Lal Sain
Versus
Raghunath Kushawaha (died) through
Legal representatives

Date of Order: **30.11.2011**

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. A.K. Bhargava for the petitioner
Mr. Rajveer Sharma for the respondents

The matter comes up on admission. However, counsel for the parties, on instructions of their respective clients present in the Court, seek disposal of this writ petition on the basis of a compromise arrived at between the parties.

Accordingly, with the consent of the parties, the petition is heard for final disposal.

Counsel for the petitioner prayed that as the tenanted property in issue is a commercial property, some time may be granted to the petitioner to vacate the premises.

Counsel for the respondents landlord submits that in the event the petitioner were to be granted time to vacate tenanted the premises in issue, his client would have no objection.

Thus, in view of the prayer of the counsel for the petitioner and the consent of the counsel for the respondents based on the instructions of their respective clients, the writ

petition is disposed of in the following terms:

- (1) The petitioner shall vacate the disputed tenanted premises on or before 13th December, 2013, subject to their filing an under-taking in this regard before the learned Rent Tribunal, within a period of 15 days.
- (2) Rent as revised presently being paid shall be further paid up to 13th December, 2013 on or before 15th of every succeeding month.
- (3) The revised rent would be payable as determined by the appellate Tribunal with statutory increases during this intervening period till the date of vacation.
- (4) The petitioner will not create third party right in any manner whatsoever in the tenanted premises.
- (5) In the event of breach of any of the conditions of this consent order, the landlord shall be entitled to immediate possession of the premises in issue.

The stay application also stands disposed of.

(Alok Sharma), J.

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