

29/02/2012

Shri S. S. Rajput, Advocate for the appellants.

Shri D. K. Agrawal, Advocate for the respondent.

Heard on the question of admission of this appeal.

There is concurrent finding of both the Courts below. On merits, no substantial question of law can be framed for admission of this appeal. There is no merit in this appeal, it is dismissed accordingly.

At this stage, learned counsel for the appellants submitted that the appellants are having business in the suit shop and they have to arrange other alternative place for their business, for which one and a half years time may be granted to the appellants to vacate the suit premises which has been opposed by learned counsel for the respondent on the ground that daughter of the respondent- plaintiff wants to start her business in the suit premises.

Learned trial Court has passed a decree for eviction on the ground of *bona fide* requirement of the daughter of landlord-plaintiff for starting her business in the suit shop.

Considering all these facts that the appellants have to bind up their business and they are carrying on it in suit shop for a long period, therefore, time is granted to the appellants to vacate the suit premises on an undertaking to this effect before the trial Court within four weeks from

today. Therefore, they shall file an undertaking before the trial Court within four weeks from today that they will hand over vacant and peaceful possession to the respondent on or before **31st December, 2012**. They shall also undertake that they shall not cause any damage to the suit premises during this period nor create any third party interest in the said property and pay the rent to the landlord or deposit in the trial Court the arrears of rent, if any due, within eight weeks from today and continue to deposit monthly rent by fifteenth of every month, in advance, during the said period. On furnishing such an undertaking, the impugned decree shall be executed only after **31st December, 2012**. If any of the aforesaid conditions is not complied with by the appellants, the appellants shall pay penal rent of Rs.5,000/- per month from the date of failure till vacation of suit premises and the respondent shall be free to execute the decree even earlier.

This appeal stands disposed of with the aforesaid.

Certified copy as per rules.

(Anil Sharma)
Judge

mkb/-