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In The High Court of Judicature for Rajasthan
Jaipur Bench, Jaipur

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S.B. Civil Writ Petition No.3077/2011
Dhanraj Vs. Appellate Rent Tribunal, Kota & Ors.

Date Of Order :: 29.02.2012

Hon'ble Mr. Justice Ajay Rastogi

Mr. Sushil Pujari on behalf of
Mr. A.K. Gupta, for petitioner.
Mr. Manish Sharma, for respondent.

Instant petition is directed against order dt. 12.10.2006 of the Rent Tribunal, Kota affirmed by Rent Appellate Tribunal on appeal preferred by petitioner being rejected vide order dt. 27.01.2011.

Respondents-3 (plaintiff-landlord) filed application seeking eviction U/s 6 & 9 of Rajasthan Rent Control Act, 2001 on the grounds of personal & bonafide necessity, non-user & revision of rent; however, certificate of possession was granted on the ground of bonafide need in favour of landlord and partly for revision of rent vide judgment dt. 12.10.2006 and affirmed by appellate rent Tribunal vide judgment dt. 27.01.2011.

Counsel for petitioner at one stage made submissions on merits; however, on instructions from his client, submits that some reasonable time may be granted to hand over vacant & peaceful possession of rented premises.

Counsel for respondents-3 (Landlord)

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on instructions submits that whatever reasonable time, as considered appropriate by this Court in the facts & circumstances, may be granted but as is evident from the material on record, certificate of possession was granted in favour of the landlord on 12.10.2006 and the appeal was dismissed on 27.01.2011, sufficient time has been availed by the tenant in getting the decree executed, that may be taken note of by the Court.

Taking note of the consent of the parties, there is no need for the Court to examine the findings of both the Rent Tribunal recorded vide judgments impugned.

However, taking note of the submission in regard to the time being sought for handing over vacant & peaceful possession of the rented premises, this Court while upholding the finding recorded vide judgments impugned herein considers it appropriate to grant reasonable time to the petitioner (tenant) for handing over vacant & peaceful possession of the rented premises to respondent (landlord) and modify the decree to the extent that the petitioner (tenant) will handover vacant & peaceful possession of the rented premises/property in question on or before 31.03.2013 and at the same time, will pay arrears of rent, if any due in terms of the decree impugned, within two months and shall

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continue to pay monthly rent/mesne profits on or before 10th of each succeeding month; however, if the tenant commits a default in payment of arrears of rent or commits two consecutive defaults in payment of monthly rent/mesne profits, the landlord shall be at liberty to file application for execution of the decree prior thereto and if the tenant fails to hand over vacant & peaceful possession of the rented property/premises in question on or before 31.03.2013, respondent (landlord) will be at liberty to file misc. application before this Court in regard to alleged deliberate disobedience of the Court order. To the extent (supra), petitioner will file an undertaking within four weeks.

With the observations (supra), the writ petition stands disposed of. No costs.

(Ajay Rastogi), J.