

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH**

**ORDER**

**S.B.CIVIL SECOND APPEAL NO.36/2012**

Surendra Singh  
vs.  
Namdev Rohela Tak Kshsatriya Sabha, Alwar.

DATE OF ORDER :::::: 29.02.2012

**HON'BLE MR.JUSTICE PREM SHANKER ASOPA**

Mr. Dileep Singh Jadaun for the defendant-appellant.  
Mr. MC Taylor for the plaintiff respondent.

By the Court:

Heard learned counsel for the parties.

Under the instructions of defendant appellant Surendra Singh who is present in person in the Court today also, counsel for the appellant submits that he does not press this appeal on merits and the defendant appellant may be given two years' time to vacate the premises.

Counsel for the plaintiff respondent ultimately agreed for two years' time provided the defendant appellant furnishes undertaking before the trial court latest by 20<sup>th</sup> March, 2012 to the following effect that (i) he will handover vacant possession of one room till 28<sup>th</sup> February, 2014 and will not create third party rights, (ii) the mesne profits at the rate of Rs.50/- per month from 29.1.1994 till date along with the interest @ 4% per annum be deposited within a period of one month from today. Thereafter the mesne profits at the rate of Rs.50/- per month after 31<sup>st</sup> March, 2012 will be paid by 15<sup>th</sup> day of each month; and (iii) in case of default in payment of three months' mesne

profits or violation of any of the aforesaid conditions the plaintiff-respondent shall be entitled to execute the decree.

In view of the above, the appeal stands dismissed.

**(PREM SHANKER ASOPA)J.**

Bairwa

"all corrections made in the judgment/order have been incorporated in the judgment/order being emailed"

Kailash Chandra Bairwa  
Sr.P.A.