

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

O R D E R

S. B. Civil Misc. Writ Petition No. 15206/2015
(Pushpendra Agarwal v. Hukmi Chand Moondhra)

Date of Order: 30/11/2015

PRESENT
HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Mr. Sudesh Bansal, for the petitioner.
Mr. K. S. Sharma, for the respondent.

This court on 4.11.2015 had passed the following order: -

"Counsel for the petitioner has submitted that two courts below have ordered for eviction after returning a finding that alternative premises is available with the petitioner. Counsel for the petitioner further submits that stand of the petitioner that alternative accommodation is not suitable, has not found favour with the two courts below. Hence, counsel for the petitioner, in view of concurrent finding of fact prays that suitable time be granted to the petitioner for making alternative arrangement.

On this score alone, issue notice to the respondent for 30.11.2015. Process dasti also.

At this stage, Shri K.S. Sharma has caused appearance on behalf of caveator-respondent. He prays for adjournment to seek necessary instructions.

List on 30.11.2015. Meanwhile, eviction of the petitioner from the demised premises is stayed."

Today, Shri K. S. Sharma learned counsel for the caveator-respondent and Shri Sudesh Bansal learned counsel for the petitioner have jointly stated that in case, two-years time is granted to the petitioner to make an alternative arrangement, that will be sufficient time.

After hearing the learned counsel appearing for the parties, this Court is of the view that due sanctity ought to be granted to the broad consensus

arrived at between the parties during the course of arguments.

Hence, the present writ petition on the terms and conditions of the broad consensus arrived between the counsel for the parties, is disposed of by issuing following directions :-

(i) That the petitioner/tenant shall file an undertaking before Rent Controller that he shall vacate the premises within two years from filing of the undertaking before the Rent Controller.

(ii) That the petitioner shall file the undertaking before the Rent Controller on or before 14.12.2015.

(iii) That on or before 14.12.2015 the petitioner shall deposit entire arrears of rent before the Executing Court, if due, along with 9% interest.

(iv) That the petitioner shall specifically state in the undertaking that he shall pay the rent in advance for each month on or before 7th day of each month.

(v) That in the undertaking, it shall also be specifically stated that in case the petitioner commits two consecutive defaults, the executing Court shall proceed with the eviction of petitioner in accordance with the provisions of law.

(vi) That the petitioner shall also specifically state in the undertaking that he will hand over peaceful vacant possession of the premises in good condition to the landlord within two years commencing from 14.12.2015."

Consequent upon disposal of main petition, the stay application, filed therewith does not survive and the same is also disposed of.

(KANWALJIT SINGH AHLUWALIA), J.

3.

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Govind Sharma, Sr.PA