

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

ORDER

Ramu @ Ramlal Vs. Daulat Motiyani & Others
(S.B. Civil Writ Petition No.5683/2015)

Date of Order:

February 29, 2016.

PRESENT

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. Amit Gupta, for the Petitioner-tenant.

Mr. J.P. Goyal, Senior Advocate with
Mr. Abhi Goyal, for the respondent-landlord.

BY THE COURT:

After arguing the matter at some length, the learned counsel for the petitioner-tenant submits on instruction of his client that the petitioner-tenant shall vacate the tenanted premises on or before February 28, 2018, during which period the petitioner-tenant would make arrangements for an alternative premises to run the business therefrom.

Mr. J.P. Goyal, the learned Senior Counsel for the respondents-landlords, with instruction from his client agreed to the proposal of learned counsel for the petitioner-tenant and submits that in the event of the judgment and decree of the Appellate Rent Tribunal Jaipur

Metropolitan, Jaipur dated 12-2-2015 were to be upheld, the respondents landlords would have no objection with the petitioner-tenant continuing in occupation of the tenanted premises in question only till February 28, 2018 and in no event beyond the said date.

The tenant Ramu @ Ramlal and landlord Daulat Motiyani are present in court, their signatures have been obtained in the court file.

In view of the consent of learned counsel for the parties, the writ petition is disposed of with the following directions:-

- (i) The petitioner-tenant shall be entitled to continue in occupation of the tenanted premises in question upto February 28, 2018, but not beyond subject to condition that he would hand over the vacant possession of the premises in question to respondents-landlords on or before February 28, 2018.
- (ii) The petitioner-tenant shall pay arrears of rent or mesne profits, if any, till February 29, 2016, as determined by the courts within a period of two months from today.
- (iii) The petitioner-tenant commencing 1st March, 2016 shall pay to respondents-landlords, mesne profits @ Rs.1000/- per month on or before 7th of each month.
- (iv) The petitioner-tenant shall not alienate or otherwise create third party right, or hand over possession of the tenanted premises in question to any other person.

Further, the petitioner-tenant shall submit an undertaking incorporating the aforesaid conditions before the Rent Tribunal Jaipur Metropolitan, Jaipur, within a period of thirty days, from the date of this order. In case the petitioner-tenant fails to submit the undertaking as aforesaid within thirty days from today, and/ or breaches the conditions of this order, the respondents-landlords shall be entitled to the immediate execution of the judgment and possession certificate dated 12-2-2015 and obtain possession of the premises in issue forthwith in accordance with law. The breach of this order shall also be liable to be punished as contempt of the court.

The writ petition stands disposed of accordingly.

(Alok Sharma), J.

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

Arun Kumar Sharma, Private Secretary.



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