

GAHC010153272019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(I/O) 210/2019

1:GAUTAM BAROOAH AND ANR.
S/O LT. REKHA BAROOAH, R/O- BOSABARI HOUSE, K.K. BAROOAH ROAD,
JORHAT TOWN, DIST.- JORHAT, ASSAM.

2: SMTI GAYATREE DEVI
D/O- LT. REKHA BAROOAH
R/O. BOSABARI HOUSE
K.K. BAROOAH ROAD
JORHAT TOWN
DIST.- JORHAT
ASSAM
REP. BY HER ATTORNEY HOLDER GAUTAM BAROOAH
S/O- LT. REKHA BAROOAH
R/O. BOSABARI HOUSE
K.K. BAROOAH ROAD
JORHAT TOWN
DIST.- JORHAT
ASSAM

VERSUS

1:JITENDRA KUMAR BARUAH
S/O- LT. GUNJAN BARUAH, R/O. 21, M.C. ROAD, CHENIKUTHI, GUWAHATI,
DIST.- KAMRUP(M), ASSAM, PIN- 78100, REP. BY RINA BARUAH, W/O.
JITENDRA KUMAR BARUAH, R/O. 21, M.C. ROAD, CHENIKUTHI,
GUWAHATI, DIST. KAMRUP (M), ASSAM, PIN- 781003.

Advocate for the Petitioner : MR A D CHOUDHURY

Advocate for the Respondent : MR. A DHAR

BEFORE

HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 30-08-2019

Heard Mr. A.D. Choudhury, learned counsel for the petitioner. Also heard Mr. K.N. Choudhury, learned senior counsel for the respondents.

2. Without going into the factual background and merits of the case, we take note of that there is a decree of eviction against the petitioners, but citing inconvenience more particularly that they are constructing a house of their own, extension are being sought for to vacate the premises from where they have been evicted. Earlier also there was an undertaking given by the petitioners that they are vacating the premises within 31.07.2019 but the said undertaking had been breached and they had not vacated as yet.

3. In course of the hearing, the petitioner has given further undertaking to this Court that they will vacate the premises on or before 30.09.2019. We accept the undertaking on behalf of the petitioner and provide that the petitioner shall vacate the premises on or before 30.09.2019 and in the event, it is not done, it would be construed to be a breach of undertaking which will call for its own consequences. Further as regards the rent from the month of April, 2008 upto 31.10.2018, it is stated that the rent had been deposited in the Court of the learned Munsiff No.1 Jorhat. Earlier also by the order dated 09.11.2018 in CRP 175/2017, it was provided that the learned Munsiff No.1 shall permit the petitioner to withdraw whatever rent has been deposited so as to enable them to pay the same directly to the respondent.

We do not know why that requirement had not been complied as on today.

4. Mr. A.D. Choudhury, learned counsel for the petitioner states that some application has been made before the Court of the Munisiff No.1.

5. We direct the Court of the learned Munsiff No.1 to allow the petitioner to withdraw the said amount on or before 06.09.2019. Upon such withdrawal, the petitioner shall pay the amount so deposited to the respondent by the said date.

In terms of the above, the petition stands disposed of.

JUDGE

Comparing Assistant