

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

S.B. Civil Writ Petition No. 19534/2019

Kanhaiya Lal Saini S/o Shri Gopal Saini, Aged About 56 Years,
Shopkeeper, Shop No. 4, Shri Digambar Jain Mandir, Nasiya
Baharli, Outside Delhi Road, Amer, Jaipur (Raj.)

-----Petitioner/Non-applicant/Tenant

Versus

Shri Digambar Jain Mandir, Kaladera Situated At Gopal Ji Ka
Rasta, Chokari Vishwesharji Jaipur City, Through Tarachand
Bairathi S/o Sundar Lal, R/o Shriji Ki Mori, Tripolia Bazar, Jaipur.

-----Respondent-Applicant/Landlord

For Petitioner(s) : Mr. Kailash Sharma

For Respondent(s) : Mr. Praveen Kumar Jain

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

26/02/2021

Learned counsel appearing for the petitioner, on instructions,
does not press the writ petition on merits and prays for a
reasonable time (one and half years) to vacate the premises.

Learned counsel appearing for the respondent has no
objection to the prayer made; however, he submits that the
petitioner may be granted time subject to payment of a sum of
Rs.1500/- per month by way of mesne profit.

In the aforesaid circumstance, the writ petition is dismissed
as not pressed. The petitioner is granted time upto 31.08.2022 to
hand over vacant and peaceful possession of the rented premises
to the respondent subject to following conditions:-

1. The entire arrears of rent/mesne profit till date,
shall be deposited by the petitioner in the bank

account of respondent within a period of eight weeks from the date of the order.

2. The petitioner shall pay a sum of ₹1500/- per month towards mesne profit to the respondent from 01.10.2018 till vacation of the rented premises i.e. 31.08.2022. The mesne profit from 01.03.2021 shall be deposited by him in the bank account of the respondent by 10th day of each succeeding month. The arrears of mesne profit will be paid in terms of condition no.1.

3. The petitioner further undertakes that he shall not sub-let, assign or part with possession of rented premises or any part thereof in favour of any one else and would not create any third party interest in the same during the aforesaid period.

4. The petitioner shall furnish a written undertaking incorporating aforesaid conditions before the Rent Tribunal within a period of four weeks from today.

It is made clear that in case, petitioner does not comply with any of aforesaid conditions, then the Rent Tribunal shall ensure his eviction without requiring respondent to file separate execution petition even before aforesaid date and it will be open for respondent to initiate contempt proceedings in this Court.

The writ petition is dismissed as not pressed with the aforesaid directions. The stay application also stands disposed of accordingly.

(MAHENDAR KUMAR GOYAL),J