
(2017) 10 RAJ CK 0036
In the Rajasthan High Court
Case No : 24 of 2000

Girraj Prasad S/o Shri Buddhi Lal Brahmin	APPELLANT
Vs	
Premchand Goyal S/o Badri Prasad	RESPONDENT

Date of Decision : 25-10-2017

Acts Referred:

[Code of Civil Procedure, 1908](#), [Section 100](#) - Second appeal

Citation : (2017) 10 RAJ CK 0036

Hon'ble Judges : Prakash Gupta

Bench : SINGLE BENCH

Advocate : Abhi Goyal, Alok Garg

Final Decision : Disposed

Judgement

1. The instant Civil Second Appeal under Section 100 CPC has been filed by the defendants-appellants aggrieved by the judgment and decree dated 11th December, 1999 passed by the learned Additional District Judge No.1, Bharatpur whereby the learned court below has dismissed the appeal filed by the defendants-appellants against the judgment and decree dated 28 th August, 1993 passed by the Additional Munsif & Judicial Magistrate No.1, Bharatpur in Civil Suit No.351/1993.

2. Learned counsel for the appellant Shri Abhi Goyal, on instruction of his clients, has not pressed this appeal on merits. The only prayer made by him is that time till 04.11.2017 may kindly be granted to the appellants to vacate the tenanted

premises.

3. Learned counsel appearing for the respondent Shri Alok Garg on instructions of his client has no objection in granting the time as prayed for by the appellants for vacating the tenanted premises.

4. In view of the aforesaid submission of learned counsel for the parties, this second appeal is being decided in the following terms:-

1. The defendants-appellants shall be entitled to continue in possession of the suit premises uptill 04 th November, 2017 but not beyond that, subject to condition that they would hand over the vacant and peaceful possession of the tenanted premises to the respondent on or before 04th November, 2017.

2. The appellants shall not alienate or otherwise create third party right or hand over possession of the tenanted premises in question to any other person.

5. Further, the appellants shall submit an undertaking on oath incorporating the aforesaid conditions before the Deputy Registrar (Judicial), Rajasthan High Court, Jaipur within a period of three days from the date of this order. In case, the appellants fail to submit the undertaking as aforesaid within three days from today and/or commit breach of any of the conditions of this order, the respondent shall be entitled to execute the decree forthwith and obtain possession of the suit premises in accordance with law.

6. The second appeal stands disposed of accordingly, stay application is also disposed of.