

(2017) 07 RAJ CK 0049
In the Rajasthan High Court
Case No : 9693 of 2017

Kishanchand @ Babbu S/o Late Shri Laxmi Narayan	APPELLANT
Vs	
Ashutosh Sharma S/o Sh. Krishna Gopal Sharma	RESPONDENT

Date of Decision : 19-07-2017

Acts Referred:

Citation : (2017) 07 RAJ CK 0049

Hon'ble Judges : Alok Sharma

Bench : SINGLE BENCH

Advocate : Harshad Kapoor, Amit Singh Shekhawat, Veyankatesh Garg

Final Decision : Disposed

Judgement

1. After arguing the matter at some length, the learned counsel for the petitioner-tenant submits that the petitioner-tenant shall vacate the tenanted premises on or before July 31, 2018, during which period the petitioner-tenant would make arrangements for an alternative premises to run his business therefrom.

2. Mr. Amit Singh Shekhawat, Advocate appearing for Mr. Veyankatesh Garg, counsel for the respondent-landlord, 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 Ajmer dated 25-4-2017 were to be upheld, the respondent landlord would have no objection with the petitioner-tenant continuing in occupation

of the tenanted premises in question only till July 31, 2018

and in no event beyond the said date.

3. 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 July 31, 2018, but not beyond subject to condition that he would hand over the vacant possession of the premises in question to respondent-landlord on or before July 31, 2018. (ii) The petitioner-tenant shall pay arrears of rent or mesne profits, if any, till July, 2017, as determined by the courts within a period of two months from today. (iv) The petitioner-tenant commencing 1st August, 2017 shall pay to respondents-landlord, mesne profits @ Rs.1000/- per month on or before 7th of each month. (v) 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.

4. Further, the petitioner-tenant shall submit an undertaking incorporating the aforesaid conditions before the Rent Tribunal Ajmer, 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-landlord shall be entitled to the immediate execution of the judgment and possession certificate dated 25-4-2017 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.

5. The writ petition stands disposed of accordingly.