

(2023) 07 RAJ CK 0020

In the Rajasthan High Court

Case No : Miscellaneous Application No. 25 Of 2023 In Civil Second Appeal
No.54 Of 2018

LRs Of Amrit Lal And Others

APPELLANT

Vs

Niranjan Lal And Others

RESPONDENT

Date of Decision : 06-07-2023

Acts Referred:

Citation : (2023) 07 RAJ CK 0020

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Rishabh Shrimali, Dilip Kumar Ahuja, Sanjay Nahar

Final Decision : Disposed Of

Judgement

Dinesh Mehta, J

1. The applicants-judgment debtors have moved the present application seeking extension of time for handing over the vacant possession of the suit premises to the plaintiffs-respondents.

2. Mr. Shrimali, learned counsel for the applicants submitted that as per the order dated 10.07.2019, the applicants were to vacant the premises by 31.07.2023, but during the period interregnum on account of pandemic of COVID-19 all the business activities including petitioner's business saw a major set back.

3. Informing that an ice factory has been established by the applicants on the premises in question, he submitted that removal of the plant and machinery, making the factory operational de-novo and handing over possession of the premises may take 5-6 months' time. He prayed that the applicants be allowed to retain the possession of the subject premises till 30.06.2024.

4. During the course of submissions, Mr. Dilip Kumar Ahuja, one of the applicants, present in person, had agreed to increase the mesne profit from

Rs.7,500/- to Rs.10,000/- per month for the extended period.

5. Mr. Sanjay Nahar, learned counsel for the respondents - decree holder on the other hand opposed the applicants' prayer and submitted that the applicants have already shifted their plant and machinery and are using the subject premises only for the purpose of selling ice and, therefore, no indulgence be granted to the them.

6. Heard learned counsel for the parties.

7. Admittedly, the applicants were operating an ice factory on the premises in question. Considering the submissions made that during the period of COVID-19 Pandemic, business activities have adversely been affected and the applicants found themselves short of funds for establishing their plant at new place, this Court is inclined to grant some indulgence to the applicants so as to enable them to shift the entire business from the premises in question.

8. Accordingly the order dated 10.07.2019 is modified and period of vacating the premises is extended up to 31.12.2023 subject of an amendment in the amount of mesne profit which is enhanced to 10,000/- per month, as agreed by the applicant, effective from 01.08.2023 (for the extended period of five month). Other conditions will remain same.

9. The application stands disposed of accordingly.