
(2017) 09 RAJ CK 0040
In the Rajasthan High Court
Case No : 16237 of 2017

Mahesh S/o Shri Sunder Lal

APPELLANT

Vs

Smt. Vijay Laxmi Mathur W/o Late Shri Dilmohan Mathur

RESPONDENT

Date of Decision : 22-09-2017

Acts Referred:

Citation : (2017) 09 RAJ CK 0040

Hon'ble Judges : Alok Sharma

Bench : SINGLE BENCH

Advocate : Anoop Agarwal, Mahendra Goyal

Final Decision : Disposed

Judgement

1. After arguing the matter at some length, the learned counsel for the petitioner-tenant submits on instruction of his client that the petitioner-tenant shall vacate the tenanted premises on or before December 31, 2018, during which period the petitioner-tenant would make arrangements for an alternative premises to reside therein.

2. Mr. Mahendra Goyal, Advocate appearing on behalf of the respondent-landlord, with instruction from his client 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 Jaipur Metropolitan dated 5-9-2017 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 December 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 December 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 December 31, 2018.

(ii) The petitioner-tenant shall pay arrears of rent or mesne profits, if any, till September 30, 2017, as determined by the courts within a period of two months from today.

(iii) The petitioner-tenant commencing 1st October, 2017 shall pay to respondent-landlord, mesne profits @ Rs.1500/- per month on or before 10th of each month.

As against this, excess rent / revised rent paid on or before 30st September, 2017 shall be adjusted from the mesne profit, above agreed to, in the first few months to the extent necessary.

(iv) The petitioner-tenant shall not alienate or otherwise create third 3 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 Jaipur Metropolitan, 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 5-9-2017 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.