

(2011) 08 RAJ CK 0115

In the Rajasthan High Court

Case No : Civil Miscellaneous Stay Application No. 916 of 2011 and Civil Second Appeal No. 178 of 2011

Miss K Basralla

APPELLANT

Vs

Tulsi Prasad Gupta (deceased) through his legal representatives

RESPONDENT

Date of Decision : 04-08-2011

Acts Referred:

Citation : (2011) 08 RAJ CK 0115

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Narendra Kumar Jain, J.—Learned Counsel for Appellant does not press the appeal on merits and prays for grant of six months" time to hand over vacant and peaceful possession of the rented premises to Plaintiffs-Respondents.

2. The prayer is allowed on the following terms and conditions:

(i) Defendant-Appellant undertakes to hand over vacant and peaceful possession of the rented premise in dispute to Plaintiffs-Respondents on or before 4.2.2012. Respondents shall not execute the impugned decree of eviction

(ii) Appellant undertakes to pay or deposit the arrears of rent, if any, within a period of two months from today and will continue to pay or deposit future mesne profit by 15th day of each succeeding month or in advance to Respondents till the actual date of delivery of possession of the rented premise.

(iii) Appellant further undertakes that he will not sub-let, assign or part with the possession of the rented premise or any part thereof in favour of anyone else and would not create any third party interest in the same during the aforesaid period.

(iv) Appellant shall furnish a written undertaking incorporating the aforesaid

conditions in the trial Court or before this Court within a period of one month from today with an advance copy to Respondents or their counsel.

(v) If Appellant does not comply with any of the above terms and conditions and/or fails to make the payment of arrears of rent/ mesne profit within two months or future mesne profit/rent for consecutive three months, then it will be open for Respondents to get the decree of eviction passed in their favour executed even before the aforesaid date and to initiate contempt proceedings in this Court.

3. With the aforesaid terms, conditions and directions, the second appeal is dismissed as not pressed.

4. Since time to vacate premise has been granted without issuing notice to Respondents so as to avoid further delay in the matter and to save the expenses of the Respondents, therefore, a liberty is granted to Respondents to move an application for modification/recalling of this order, if they feel so aggrieved by it.

ORDER

5. Since main appeal itself has been dismissed, therefore, stay application does not survive and the same also stands dismissed.