
(2011) 08 RAJ CK 0093
In the Rajasthan High Court
Case No : Civil Second Appeal No. 797 of 2007

Om Prakash Saini

APPELLANT

Vs

Khem Chand Sharma and Another

RESPONDENT

Date of Decision : 04-08-2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 151

Citation : (2011) 08 RAJ CK 0093

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Judgement

Narendra Kumar Jain, J.—Heard learned Counsel for parties on the application u/s 151 CPC for fixation of mesne profit of the disputed property during pendency of the appeal..

2. Learned Counsel for both the parties have agreed to dispose off the application on the following terms and conditions:

(i) Defendant-Appellant shall pay mesne profit @ Rs. 800/- per month with effect from 1st February, 2007 till 31st July, 2011.

(ii) The arrears of mesne profit for the above period will be deposited in the bank account of the Respondent within a period of three months.

(iii) Whatever amount, which has been paid till now, will be adjusted.

(iv) From 1st August, 2011 onwards, the mesne profit of the disputed property during pendency of this appeal will be @ Rs. 2,000/- per month.

(v) It is further agreed that in case, there is default in making payment of arrears of rent within three months as mentioned or default in future payment for consecutive three months then interim stay order passed by this Court will be deemed to have been vacated and Plaintiffs-Respondents will be entitled to get the decree of eviction passed in their favour executed forthwith even during the pendency of this appeal without any further order from this Court.

2. With the aforesaid terms, conditions and directions, the application stands disposed off.