
(2020) 01 RAJ CK 0035

In the Rajasthan High Court

Case No : Civil Writ Petition No. 16615 Of 2019

Rakesh Watts

APPELLANT

Vs

Naveen Kalda

RESPONDENT

Date of Decision : 16-01-2020

Acts Referred:

Citation : (2020) 01 RAJ CK 0035

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Dr. Sachin Acharya, Trilok Joshi

Judgement

After attempting to make submissions for some time, learned counsel for the petitioner prays for extra time to vacate the premises and submits that

the petitioner is prepared to pay enhanced mesne profit.

With the consent of learned counsel for the parties, it would be appropriate to allow time to the petitioner to vacate the suit premises by 30th June,

2021 and allow mesne profit to the respondent until the petitioner vacates the suit premises @ Rs.10,000/- per month from the month of February,

2020 till 30th June, 2021.

In view of the above, learned counsel for the petitioner seeks withdrawal of the writ petition and the same is, therefore, dismissed as withdrawn. The

stay application is also dismissed.

However, the petitioner is granted time to vacate the suit premises by 30th June, 2021 on the following conditions:-

(i) the petitioner shall submit an undertaking supported by affidavit before the Rent Tribunal within a period of three weeks from today to the effect

that on or before 30th June, 2021, he shall handover the peaceful and vacant

possession of the premises to the respondent-landlord. He shall also undertake not to cause any damage to the premises nor to make any alternation and not to assign/sublet or in any manner part with possession to any other person and not to put the premises to any use other than the present use and not to cause any nuisance.

(ii) the petitioner shall deposit the arrears within a period of four weeks, if any, of the rent/mesne profit and of the decreetal amount and shall further

pay to the landlord the amount for use and occupation of the premises @ Rs.10,000/- per month w.e.f. 01st February, 2020 or deposit the same in the

saving bank account of the respondent-landlord month by month on or before 15th day of the next month. The respondent-landlord or learned counsel

for the respondent will give the details of the bank account, in which, the arrears of rent or mesne profit/month to month mesne profit will be

deposited, to the petitioner or counsel for the petitioner within a period of two weeks from today.

(iii) it is made clear that in case the petitioner does not comply with any of the aforesaid conditions or violates any terms of the undertaking, then it will

be open for the respondent-landlord to get the recovery certificate executed forthwith in accordance with law.

No costs.