
(2010) 10 RAJ CK 0053

In the Rajasthan High Court

Case No : Civil Second Appeal No. 287 of 2010

Ram Gopal Girraj Prasad and Another

APPELLANT

Vs

Shri Prakash Chand Singhal and Others

RESPONDENT

Date of Decision : 21-10-2010

Acts Referred:

Citation : (2010) 10 RAJ CK 0053

Hon'ble Judges : Raghvendra S. Chauhan, J

Bench : Single Bench

Judgement

R.S. Chauhan, J.—Aggrieved by the judgment and decree dated 14.05.2010, passed by the Additional District Judge (Fast Track) No. 1, Jaipur City, Jaipur and by the judgment and decree dated 08.05.2006, passed by the Civil Judge (Jr. Division), Jaipur City(W), Jaipur, this second appeal has been filed. By the former order, the learned trial court had decreed the suit for eviction on the ground of bonafide requirement. By the later order, the appellate court has confirmed the former order.

2. The brief facts of the case are that in May, 1997, the plaintiffs-respondents had filed a suit against the defendants-appellant for eviction and arrears of rent on the ground of default and bonafide necessity before the trial court. On 26.11.2001, the defendant No. 1 filed separate written statement and denied the averments of the plaint stating that the necessity of the plaintiffs is neither genuine, nor bonafide. The defendant No. 2 also filed separate written statement. On the basis of the pleadings, the learned trial court framed six issues. In order to buttress their case, the plaintiffs examined five witnesses and exhibited sixteen documents. On the other hand, the defendants examined six witnesses and exhibited seventeen documents. After hearing both the parties, vide judgment and decree dated 08.05.2006, the learned trial court decided all the issues against the defendants and decreed the suit on the ground of bonafide necessity. Aggrieved by the judgment and decree dated 08.05.2006, the defendants preferred an appeal before the learned appellate court. However, vide

judgment and decree dated 14.05.2010, the learned appellate court dismissed the appeal and confirmed the judgment and decree dated 08.05.2006. Hence, this second appeal before this Court.

3. Since no substantial question of law, but only question of fact arise in this appeal, the appeal is devoid of any merit. However, the appellant gives an undertaking to this Court, and that too in the presence of Mr. Prakash Chand Singhal, the respondent-plaintiff No. 1, that he will vacate the premises in dispute within a period of one year and six months from today. He seeks the relief from this Court that the aforementioned period should be granted.

4. On the other hand, Mr. Prakash Chand Singhal, the respondent-plaintiff No. 1, states that he is not agreeable to give him the period of one year and six months and prays that only a period of one year should be granted to the appellant.

5. Heard the learned Counsel for the parties and Mr. Singhal in person.

6. Considering the fact that the appellant has been running a shop for many years, considering the fact that he will require sufficient time to vacate the premises, in the interest of justice, this Court deems it proper to give one year and three months time to the appellant to vacate the shop. Therefore, the appellant is directed to vacate the shop in dispute positively by 21st January, 2012. In case the appellant fails to do so, the respondents-plaintiffs shall be free to initiate contempt proceedings against the appellant.

7. With these observation, this second appeal is disposed of.