
(2014) 01 RAJ CK 0222
In the Rajasthan High Court
Case No : Civil Writ Petition No. 15383 of 2013

Ram Kripal Gupta

APPELLANT

Vs

Rent Tribunal and Others

RESPONDENT

Date of Decision : 31-01-2014

Acts Referred:

Constitution of India, 1950 — Article 215

Citation : (2014) 2 RCR(Civil) 428 : (2014) 1 RCR(Rent) 290

Hon'ble Judges : M.N. Bhandari, J

Bench : Single Bench

Advocate : Ripu Daman Singh Naruka and Mr. O.P. Mishra, Advocate for the Appellant; Priti Mali, Advocate for the Respondent

Judgement

M.N. Bhandari, J.—It is stated that writ petition contains incorrect and false facts thus contempt proceedings may be initiated under Article 215 of the Constitution of India. It is moreso when act of the petitioner is deliberate. He has even used language for the court below not befitting to its status. The way petitioner approached this court shows his conduct. Even before the executing court, incorrect facts were mentioned regarding date of writ petition before this court. Reply to the application has been submitted by them. I do not find it to be satisfactory. At this stage unconditional apology has been tendered and is accepted with the warning to the petitioner not to repeat it otherwise serious view would be taken. Every party is expected to approach this court with clean hands and use the language befitting to the status of the court below. Application moved by the respondent accordingly stands disposed of with acceptance of unconditional apology with the warning as given above.

2. Learned counsel for petitioner, under instructions, does not press the writ petition if reasonable time is granted to vacate the premises. As agreed, six months" time is granted to vacate the premises from today. With the aforesaid, writ petition so as stay application are disposed of without causing interference in the impugned order challenged herein with the following directions:

(i) The petitioner will vacate the premises within a period of six months starting from 1st February, 2014 and give vacant possession to the respondent. An undertaking to this effect would be furnished before the executing court within a period of two weeks from today.

(ii) The petitioner would regularly pay rent on monthly basis by 15th of every month. In case of default, the respondent/s would be at liberty to seek necessary direction and vacation of the premises forthwith.

(iii) During the intervening period the petitioner would be restrained to let out or give possession of the rented premises rather he will take all precautions so as to hand over the property to the respondent/s within a period specified above. He will accordingly maintain the property during the intervening period.