
(2019) 02 RAJ CK 0266
In the Rajasthan High Court
Case No : Civil Writ No. 17100 Of 2018

Smt. Asha Rani And Ors

APPELLANT

Vs

Smt. Meenu Saluja

RESPONDENT

Date of Decision : 27-02-2019

Acts Referred:

Rent Control Act, 2001 — Section 20(3)
Constitution Of India, 1950 — Article 226(3)

Citation : (2019) 02 RAJ CK 0266

Hon'ble Judges : Sangeet Lodha, J

Bench : Single Bench

Advocate : Sandeep Saruparia, G.R. Goyal

Final Decision : Disposed Off

Judgement

The matter comes up on an application preferred on behalf of the respondent under Article 226(3) of the Constitution of India.

With the consent of learned counsel appearing for the parties, the matter is being finally heard and disposed of at this stage.

This writ petition is directed against the judgment and order dated 5.10.18 passed by the Appellate Rent Tribunal, Sri Ganganagar in Rent Appeal No.3/13 (CIS No.34/14), whereby the appeal preferred by Jaydev, father of the petitioners herein, aggrieved by the judgment and order dated 21.12.12 passed by the Rent Tribunal, Sri Ganganagar in Rent Case No.1/11, directing eviction of the father of the petitioners herein, from the commercial premises and the certificate for recovery of possession issued pursuant thereto, stands dismissed.

In the instant petition, the notice was issued to the respondent for the limited prayer of granting reasonable time to the petitioners to vacate the shop in question.

Learned counsel appearing on behalf of the petitioners submits that the

petitioners do not want to press this writ petition on merits and are ready to vacate the premises, however, they may be granted time upto 31.3.2020 for the purpose of vacating the suit premises, on reasonable terms and conditions.

Mr. G.R. Goyal, learned counsel appearing on behalf of the respondent, in all fairness has not opposed the limited prayer made on behalf of the petitioners.

Accordingly, on the facts and in the circumstances of the case, with the consent of the parties, this writ petition is disposed of with the following directions:-

(1)The petitioners shall vacate and hand over the vacant possession of the premises in question to the respondent on or before 31.3.2020;

(2)The petitioners shall pay the mesne profits for the use and occupation of the premises in terms of provisions of sub-section(3) of Section 20 of the Rent Control Act, 2001 to the respondent i.e. at the rate of three times the rent last paid. The arrear of rent/mesne profits, if not already paid, shall be paid within a period of one month from the date of this order.

(3)The petitioner shall continue to pay the mesne profits as aforesaid month by month, by 7th day of the following month towards the use and occupation of the premises during the said period;

(4)The petitioner shall not make any material alteration in the premises in question and shall not part with the possession of the premises during the said period;

(5) The petitioner shall submit an undertaking before the Rent Tribunal latest by 28.3.19 for compliance of the order passed by this Court as aforesaid;

(6) On the failure of the petitioners to comply with any of the aforesaid directions, the certificate for recovery of possession shall become executable forthwith.

No order as to costs.