
(2016) 01 RAJ CK 0141
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6683 of 2006.

Sukh Ram

APPELLANT

Vs

Rameshwar and Others

RESPONDENT

Date of Decision : 22-01-2016

Acts Referred:

Rajasthan Rent Control Act, 2001 — Section 3

Citation : (2016) 2 DNJ 620

Hon'ble Judges : Arun Bhansali, J.

Bench : Single Bench

Advocate : O.P. Mehta, Advocate, for the Appellant; M.S. Purohit, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Arun Bhansali, J. - After attempting to make submissions for sometime on the writ petition, learned counsel for the petitioners submits that the petitioners may be granted extra time for vacating the subject premises.

2. Heard learned counsel for the parties regarding grant of extra time to vacate the subject premises.

3. Learned counsel for the petitioner submitted that the premises are residential premises and the petitioner is residing since 1976 and may be granted three years time for vacating the premises.

4. Learned counsel for the respondents opposed the prayer for grant of time. It was submitted that the proceedings were filed in the year 2003 and a meagre rent of about Rs. 380/- only was being paid and that also is in arrears. It was submitted that in case time is granted, then reasonable amount of mesne profit be directed to be paid.

5. Having regard to the facts and circumstance of the case, it appears appropriate to allow time to the petitioners to vacate the premises by 30th June,

2018 and allow mesne profit to the respondent until the petitioner vacates the premises @ Rs. 500/- per month from the month of February, 2016 till June, 2018.

6. In view of the above, the learned counsel for the petitioner seeks withdrawal of the writ petition and the same is, therefore, dismissed as withdrawn.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 subject premises by 30th June, 2018 on the following conditions:-

(i) the petitioner will submit an undertaking supported by affidavit before the Rent Tribunal within 3 weeks from today to the effect that on or before 30th June, 2018, he will handover the peaceful and vacant possession of the subject premises to the landlord-respondent. He will also undertake not to cause any damage to the subject 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 will pay to the landlord the amount for use and occupation of the subject premises @ Rs. 500/- per month w.e.f. 01st February, 2016 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 violate 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.

7. No costs.