

Sunil Kumar Vs. M/S Raj Vilas Palace Hotel P. Ltd. and ors

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Court : Rajasthan Jodhpur

Decided On : Oct-17-2014

Appellant : Sunil Kumar

Respondent : M/S Raj Vilas Palace Hotel P. Ltd. and ors

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR :

JUDGMENT

: S.B.CIVIL SECOND APPEAL NO.226/2014 Sunil Kumar versus Raj Vilas Palace Hotel PVT.LTD.& ORS.Date of Judgment :: 17.10.2014 PRESENT HON'BLE Mr.JUSTICE ARUN BHANSALI Mr.G.Vaishnav, for the appellant/s.

Mr.J.L.Purohit, Senior Advocate assisted by Mr.Rajeev Purohit, for the respondent/s.

---- BY THE COURT: After attempting to make submissions for sometime on the appeal, learned counsel for the appellant submits that the appellant may be granted extra time for vacating the suit premises.

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

Learned counsel for the appellant submits that the appellant is running a Shop in the suit premises since long and he may be granted time till 31st March, 2016 for

vacating the suit premises.

Learned counsel for the respondent opposed the prayer for grant of time.

It was submitted that the suit was filed in the year 2000 and a meagre rent of Rs.700/- only was being paid and thereafter, the same was increased upto Rs.1000/- and that also is in arrear. It was submitted that in case time is granted, then reasonable amount of mesne profit be directed to be paid.

2 Having regard to the facts and circumstance of the case, it appears appropriate to allow time to the appellant to vacate the suit premises by 31st March, 2016 and allow mesne profit to the respondent until the appellant vacates the suit premises @ Rs.2,500/- per month from the month of November, 2014 till March, 2016.

In view of the above, the learned counsel for the appellant seeks withdrawal of the appeal and the same is, therefore, dismissed as withdrawn.

The stay application is also dismissed.

However, the appellant is granted time to vacate the suit premises by 31st March, 2016 on the following conditions:- (i) the appellant shall submit an undertaking supported by affidavit before the trial court within 3 weeks from today to the effect that on or before 31st March, 2016 he shall handover the peaceful and vacant possession of the suit premises to the plaintiff-respondent.

He shall also undertake not to cause any damage to the suit 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 appellant shall deposit within three weeks the arrear. If any, of the rent/mesne profit and of the decretal amount and shall further pay to the landlord the amount for use and occupation of the suit premises @ Rs.2,500/- per month w.e.f. November, 2014 or deposit the same in the saving bank account of the respondent month by month on or before 15th day of the next month.

The 3 respondent 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 appellant or counsel for the appellant within a period of two weeks from today.

(iii) it is made clear that in case the appellant do 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 decree executed forthwith in accordance with law.

No costs.

(ARUN BHANSALI).J.

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