IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

ON THE 26th OF SEPTEMBER, 2023

CIVIL REVISION No. 383 of 2023

BETWEEN:-

1. **JITENDRA MALHOTRA S/O LATE HAR PRASAD MALHOTRA, AGED ABOUT 41 YEARS, R/O DR. NEELESHWAR SHARMA'S BHAWAN SEMARIYA CHOWK SATNA TO BIRLA ROAD NEAR FLY OVER BRIDGE AND TURNING OF SINDHI CAMP SATNA (MADHYA PRADESH)**

2. **VIJAYMALHOTRA S/O LATE HAR PRASAD MALHOTRA, AGED ABOUT 37 YEARS, R/O DR. NEELESHWAR SHARMA'S BHAWAN SEMARYA CHOWK SATNA TO BIRLA ROAD, NEAR FLY OVER BRIDGE AND TURNING OF SINDHI CAMP SATNA (MADHYA PRADESH)**

.....PETITIONERS

(BY SHRI SANJAY AGRAWAL-SENIOR ADVOCATE WITH MS. NEERJA AGRAWAL-ADVOCATE)

AND

DR. NEELESHWAR SHARMA S/O LATE SAMPATLAL SHARMA, AGED ABOUT 66 YEARS, R/O SEMARIYA CHOWK SATNA TO BIRLA ROAD NEAR FLY OVER BRIDGE AND TURNING OF SINDHI CAMP SATNA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI ASHISH GIRI AND SHRI SIDDHARTH SHARMA-ADVOCATES)

This revision coming on for admission this day, the court passed the following:

ORDER

This civil revision has been preferred by the petitioners/tenants challenging the order dtd. 09.05.2023 passed by Rent Controlling Authority,

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Tahsil Raghuraj Nagar, District Satna in case No.3A-90(1)/2022-23, whereby on the respondent's application under Section 23-A(b) of the M.P. Accommodation Control Act, 1961 (in short 'the Act'), learned RCA has passed order of eviction.

2. Learned senior counsel submits that for non-residential requirement, on the same set of facts, three applications for eviction in respect of three rented shops occupied by three different tenants, were filed and all the three applications were allowed by learned RCA, against which three civil revisions were filed, out of which two civil revisions have been disposed off on account of settlement between the landlord and the concerning tenants.

3. Faced with the aforesaid situation, learned counsel for the petitioners submits that he may also be granted two years time to vacate the rented shop. The proposition of learned counsel for the petitioners is opposed vehemently by learned counsel appearing for the respondent/landlord and he submits that his client is not ready to grant any time, but because the petitioners are in possession of the rented shop for a long period, therefore, at the most one year time may be granted to them for vacating the rented shop, which has been accepted by learned counsel for the petitioners.

4. Accordingly, in view of consent of the counsel for the parties, declining interference in the impugned order, this civil revision is disposed off on the following conditions:-

> *(i) The petitioners/tenants shall vacate the rented premises on or before* ***30.09.2024****.*
> *(ii) The petitioners/tenants shall regularly pay rent to respondent and shall also clear all the dues, if any, including the costs of the litigation, if any, imposed by the learned RCA within a period of 30 days from today.*
> *(iii) The petitioners/tenants shall not part with the rented premises to anybody and shall not change nature of the accommodation.*
> *(iv) The petitioners/tenants shall furnish an undertaking with regard to*

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the aforesaid conditions within a period of three weeks before the learned RCA.

(v) If the petitioners/tenants fail to comply with any of the aforesaid conditions, the respondent shall be free to execute the eviction order forthwith.

(vi) If after filing of the undertaking, the petitioners/tenants do not vacate the rented premises on or before 30.09.2024 and create any obstruction, they shall be liable to pay mesne profits of Rs.500/- (Rs. Five Hundred) per day, so also contempt of order of this Court.

(vii) It is made clear that petitioners shall not be entitled for further extension of time after 30.09.2024.

5. With the aforesaid observations, this civil revision is hereby **dismissed/disposed off.**

6. Pending application(s), if any shall stand disposed off.

(DWARKA DHISH BANSAL)
JUDGE

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