HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 8590/2014

CNR: RJHC020197282014 | URN: CW / 14144U / 2014

Sita Devi W/o Late Shri Rajendra Singh, aged 47 years, resident of Dadwada, Kota (Raj.)

----Petitioner

Versus

Mukesh Kumar Sain S/o Shri Vijay Kumar Sain, aged about 37 years, resident of House No. 312, Dadwada, Kota (Raj.)

----Respondent

For Petitioner(s)	:	Mr. Shailesh Prakash Sharma
For Respondent(s)	:	Mr. Mukesh Sharma

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

03/09/2026

1. Instant writ petition has been filed by petitioner-tenant under Article 227 of the Constitution of India, challenging the judgment dated 19.07.2014 passed in Appeal (Rent Tribunal) No.108/2014 (old No. 13/2013) by the Appellate Rent Tribunal, Kota, dismissing the appeal and affirming the judgment dated 30.01.2013 passed in Application No. R83/2011 by the Rent Tribunal, Kota, whereby the application filed by respondent-landlord has been allowed and petitioner-tenant has been directed to vacate the rented premises.

2. Heard counsel for both parties and perused the impugned judgments so also the record.

3. The rented premises is a shop measuring 44 sq. feet, wherein the petitioner is stated to be carrying on the business of electrical accessories.

4. Learned counsel for the petitioner, after arguing the writ petition for some time, having instructions from petitioner, prayed to grant some reasonable time to vacate the rented shop and, in that eventuality, to not press the writ petition. He agreed to pay mesne profits at the rate of Rs.1,000/- per month from September, 2026 onward, till vacating and handing over peaceful possession of the premises to the respondent-landlord, and the due arrears of rent at the rate of Rs.200/- per month till August, 2026, if any. In this regard, petitioner has also filed an affidavit.

5. Learned counsel appearing on behalf of respondent-landlord, having instructions from respondent, immediately grabbed the offer of petitioner and does not dispute the grant of reasonable time to vacate and hand over peaceful possession of the rented shop to respondent-landlord, subject to making payment of the mesne profits as determined by this Court.

6. In such view of the matter, the additional affidavit filed by the petitioner is taken on record and counsel for both parties, having instructions from their respective parties, have agreed to grant time up to 31st December, 2027 to petitioner-tenant to retain possession of the rented shop, subject to making payment of mesne profits at the rate of Rs.1,000/- per month w.e.f. September, 2026 onward and the due arrears of rent till August, 2026, if any.

7. In view of the above, instant writ petition stands disposed of on following terms and conditions as agreed between parties:-

> i) The petitioner-tenant is allowed to continue in possession of rented shop upto 31.12.2027, subject to condition that she shall vacate and hand over

possession of rented shop to landlord on or before 31.12.2027.

ii) The petitioner-tenant would pay the mesne profit @ Rs.1,000/- per month with effect from September, 2026 onwards, till vacation of the rented premise. The arrears of rent @ Rs. 200/- per month for the previous period till August, 2026, if any due, shall also be paid within a period of four weeks.

iii) The petitioner-tenant shall not alienate or otherwise create third party right or hand over possession of rented premises in question to any other person.

iv) That petitioner-tenant shall furnish an undertaking incorporating aforesaid conditions, before the trial Court within a period of four weeks, from the date of this order with an advance copy to respondent-landlord.

8. In case, petitioner-tenant fails to submit the undertaking, as aforesaid, and/or commit breach of conditions of this order, respondent-landlord shall be entitled to initiate immediate execution of the order to obtain possession of premises in issue forthwith, in accordance with law, and may also initiate proceedings of contempt for breach of undertaking.

9. Stay application and pending application(s), if any, stand(s) disposed of.

(SUDESH BANSAL),J

Sachin Sharma/ S-196