

Om Prakash Saxena

Vs

Tapeshwari Prasad and Others

Civil Appeal No. 247 of 1980

(R. S. Pathak, V. R. Krishna Iyer JJ)

06.08.1980

JUDGMENT

V. R. KRISHANA IYER, J. –

1. Having heard Mr. Jitendra Sharma for the appellant we are satisfied that the submission which merits consideration is as to the time that we should grant to him for vacating the premises.
2. We have addressed ourselves to the rival submissions and feel satisfied that if the appellant gives an undertaking within one month from today containing two conditions, violation of which will involve instant eviction and proceedings for breach of undertaking, he will be allowed time up to August 15, 1981 for vocation of possession. The conditions are :
  - (a) That he will, within three months from today deposit in the trial Court the entire arrears of rent and continue to pay rent for every month by the 15th of the succeeding month; and
  - (b) That he will give vacant possession on or before the date we have fixed and see that he will not alienate or otherwise put in possession of the premises or part thereof any person other than himself.
3. In case the undertaking is not filed in time or if any of the conditions in the undertaking is broken then there will be instant eviction. Subject to these conditions and the filing of the undertaking we dismiss the appeal.

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