

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil First Appeal No. 428 / 2016

Mahaveer Prasad

----Appellant

Versus

Smt. Sayar Devi

----Respondent

For Appellant(s) : Mr. SL Jain

For Respondent(s) : Mr. Arpit Bhoot

JUSTICE DINESH MEHTA

Order

16/01/2018

It is deemed expedient and hence ordered that effect and execution of the impugned judgment and decree dated 28.09.2016 shall remain stayed till disposal of the present appeal, subject to the following conditions :-

- (i) Appellant shall deposit the balance amount of 'mesne profit'/rent for the period of October to December 2017 awarded by the Trial Court on or before 31.01.2018.
- (ii) Appellant shall pay mesne profit of Rs.5,000/- per month on or before 15th day of each month. First such payment shall be made on 15.02.2018.
- (iii) The amount aforesaid may be deposited in Trial Court or in the Bank account of the respondent(s). Learned counsel for the respondent(s) may give relevant particulars to the learned counsel for the appellant(s) within ten days from today, if the respondent(s) wants the amount to be

deposited in their account. If the amount is deposited in trial Court, the respondent(s) shall be entitled to withdraw the same.

- (iv) The appellant(s) shall neither part with the possession nor bring about any material change in the nature and use of the subject premise/land.
- (v) Needless to observe that the failure to pay any of the above-mentioned amounts, within the time prescribed, would entail automatic annulment of the order instant.

(DINESH MEHTA), J.

Himanshu/- 73



सत्यमेव जयते