

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 561/2005

Madhumal through his legal representatives:

1/1 Shri Bhagwandas son of Madhumal resident of 11/42 Vaishali Nagar, Ajmer

1/2 Smt. Meena Kumari D/o Madhumal, W/o Shri Laxmandas, Quarter No. 400, Makan No.2, Gandhidham,

1/3 Smt Dayawati D/o Madhumal, Wife of Shri Lalit Kumar, Patni Road, Pipla, District Hoshiavad, Bhopal

1/4 Smt. Hemlata wife of Shri Ramesh Kumar Shambwani, R/o 11/71, Chopasani Housing Board, Jodhpur

----Applicants-Appellant

Versus

1. Smt Dadan Bai wife of Late Shri Gagandas (died)

2. Shri Bhooromal son of Shri Gagandas R/o Block No. 669, Room No. 1338, Ullasnagar-4 District Maharashtra, General Sewing Machine, Station Road, Ajmer

----Respondent-Plaintiffs

3. Fonomal son of Chhogamal through its legal heirs

3/1 Smt. Dhanwanti wife of Fonomal (deceased)

3/2 Shri Hukam Chand son of Late Shri Fonomal,

3/3 Shri Gagandas @ Bhag Chand son of Shri Fonomal,

3/4 Shri Harish son of Fonomal,

3/5 Shri Mohan, Son of Fonomal

All are residents of near Masjid, Longiya Mohalla, Ajmer (Rajasthan)

-----Proforma-Respondents

For Appellant(s) : Mr. Manak Chand Jain

For Respondent(s) : None Present

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

08/05/2026

1. On the instructions of their clients, learned counsel for the appellants does not want to press the present civil second appeal and seeks some time to vacate the premises in dispute.

2. Today, no one is present on behalf of the respondents to oppose the present civil second appeal.

3. Considered.

4. The present civil second appeal has been pending since 2005. Taking into consideration the prayer made by the appellants, this Court deems it appropriate to dismiss the appeal as not pressed.

5. However, the appellants are granted two years' time to vacate the premises in dispute on the following conditions:

(i) The appellants will vacate the premises on or before 31.05.2028.

(ii) The appellants shall pay all the arrears of the mesne profit as per the decree within a period of eight weeks.

(iii) Appellants undertake to pay mesne profit regularly in terms of appellate decree till 31.05.2028.

(iv) Appellants are directed to file an undertaking within 8 weeks before the learned Trial Court, to the effect that they will vacate the premises, on or before 31.05.2028 and further to the effect that they will continue to pay the mesne profit as ordered by learned Appellate Court, per month till vacation of the premises and further they will not sub-let or create any alteration in the disputed premises.

(v) The mesne profit, which is to be paid from 01.06.2026 shall be paid by the appellants by 15th day of the succeeding month. If they make default for three

consecutive months in payment of the mesne profit, then the respondents shall be entitled to execution for decree.

(vi) If the order passed by this Court is not complied with by the appellants, then they will be liable for contempt of courts proceedings.

6. Pending application(s), if any, stands disposed of.

(BIPIN GUPTA),J

Sudha/07