

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Writ Miscellaneous Application No. 48/2026
in

S.B. Civil Writ Petition No.13208/2025

Smt Mohini Devi W/o Shri Prabhu Narayan, R/o Shop 42-43
Fatehpuriya Textiles, Chaura Rasta, Jaipur And B-1,
Laxminarayanpuri, Jaipur.

-----Petitioner

Versus

1. Sanjay Kumar Dhandhiya S/o Lt. Shree Suresh Chand,
Aged About 37 Years, R/o Flat No 403,paradise Garden,
A-25, Tilak Nagar Jaipur. (Deceased, During Pendency Of
Suit)
2. Smt. Sunita Dhandhiya W/o Lt. Shree Sanjay Kumar
Dhandhiya, R/o Flat No 602, Ridhi Raj Apartment, Tilak
Nagar, Jaipur.
3. Kumari Chandani Dhandhiya D/o Lt. Shree Sanjay Kumar
Dhandhiya, R/o Flat No 602, Ridhi Raj Apartment, Tilak
Nagar, Jaipur.
4. Vishal Dhandhiya S/o Lt. Shree Sanjay Kumar Dhandhiya,
R/o Flat No 602, Ridhi Raj Apartment, Tilak Nagar, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr.M.M. Ranjan, Sr.Adv. assisted by Mr.Rajat Ranjan & Mr.Lokesh Tiwari
For Respondent(s)	:	Mr.N.K. Maloo, Sr.Adv. assisted by Mr.Ajay Singh Rajawat, Mr.Harsh Pratap Singh & Mr.N.K. Singhal

JUSTICE ANOOP KUMAR DHAND

Order

26/02/2026

1. By way of filing the instant Misc. Application, a prayer has
been made seeking extension of time granted for furnishing the
undertaking, in pursuance of the order dated 11.09.2025, passed

by this Court, while deciding S.B. Civil Writ Petition No.13208/2025.

2. Learned counsel for the petitioner submits that while passing the aforesaid order dated 11.09.2025, the following directions were issued by this Court, in Para Nos.5 and 6, which read as under:-

"5. In view of the aforesaid submissions made by counsel for the parties, this writ petition stands disposed of in the following terms:-

1. The petitioner shall be entitled to continue in possession of the rented premises till 31.03.2027, but not beyond that, subject to the condition that he will hand over the vacant and peaceful possession of the rented premises to the respondents on or before 31.03.2027.
2. The petitioner shall deposit the arrears of rent, due, if any, within a period of three months and shall continue to deposit double amount of monthly rent, with the Bank account of the respondent by 15th of each successive month.
3. The petitioner shall not alienate or otherwise create third party right or hand over the possession of the rented premises in question to anyone.
4. In case the petitioner fails to deposit the rent consecutively for a period of four months, the respondent shall be at liberty to execute the order passed by the Rent Tribunal without further reference to the Court.
6. Further the petitioners shall submit an undertaking on oath incorporating the aforesaid conditions before the Rent Tribunal, Jaipur within a period of four weeks from today. In case, the petitioners fail to submit an undertaking as aforesaid within a period of four weeks from today and/ or commit breach of any of the conditions of this order, the respondent shall be entitled to execute the order passed by the Rent Tribunal forthwith and shall

obtain the possession of the rented premises in accordance with law.”

3. Counsel submits that husband of the applicant-petitioner received a brain stroke and remained hospitalised for the treatment of the same for a considerable period. Thereafter, under the aforesaid circumstances, the applicant-petitioner could not submit the undertaking, before the Rent Tribunal pursuant to the aforesaid order dated 11.09.2025, passed by this Court. Counsel submits that the applicant-petitioner was directed to deposit twice amount of monthly rent, pursuant to the aforesaid order dated 11.09.2025 and while doing so, certain excess amount has been deposited by the applicant-petitioner, but certain delay has been caused therein. Counsel further submits that the applicant-petitioner is still ready and willing to deposit the remaining amount, in case, any arrears still remain due and in that case, details may be furnished by the respondents to the applicant-petitioner. Counsel submits that under these circumstances, the period of submission of undertaking before the Rent Tribunal may be extended.

4. *Per contra*, learned counsel appearing on behalf of the respondents opposed the arguments raised by counsel for the applicant-petitioner and submitted that the order dated 11.09.2025 has been flouted by the applicant-petitioner. Counsel submits that neither twice amount of the monthly rent was deposited, nor the undertaking was submitted within the time fixed by this Court vide its order dated 11.09.2025. Counsel further submits that after passing of the order dated 11.09.2025, the applicant-petitioner has shifted his business to a new

showroom situated at Shop No.11, Mirza Ismail Road, Near Rajasthali, Jaipur, hence, under these circumstances, the applicant-petitioner is not in need of the subject rented premises.

5. Lastly, counsel for the respondents argued that husband of the applicant-petitioner has no concern with the business affairs of the rented premises and in fact, sons and grandsons of the applicant-petitioner are carrying out the business in the old and new showrooms. Hence, under these circumstances, the plea taken by the applicant-petitioner with regard to the ailment of her husband is not tenable and the instant application submitted by the applicant-petitioner is liable to be rejected.

6. Heard and considered the submissions made at the Bar and perused the material available on record.

7. Perusal of the record indicates that after remaining unsuccessful before the Rent Tribunal as well as the Appellate Rent Tribunal, the applicant-petitioner approached this Court by way of filing S.B. Civil Writ Petition No.13208/2025 before this Court and the same was disposed of with the consent of the respective parties with certain terms and conditions, as prescribed in Para Nos.5 and 6 of the order dated 11.09.2025.

8. As per the terms and conditions of the impugned order, the petitioner was allowed to remain in possession of the rental premises till 31.03.2027 subject to the condition that she would handover peaceful possession of the same on or before the aforesaid date. The applicant-petitioner was also directed to deposit the arrears of rent due, if any, within a period of three months and he was further directed to deposit twice amount of the monthly rent in the bank account of the respondent by the

15th day of each successive month. In Para No.6, a specific direction was issued to the petitioner to submit an undertaking before the Rent Tribunal incorporating the aforesaid conditions of the order passed by this Court within a period of four weeks from the date of passing of the impugned order. A plea has been taken by the applicant-petitioner that her husband received a brain stroke and remained hospitalized for its treatment. In support of this contention, certain medical bills/ documents have been placed on record by the applicant-petitioner.

9. A bank statement has also been submitted on the record in support of the contention that there are no due arrears of rent in terms of the order dated 11.09.2025 passed by this Court.

10. Perusal of the bank statement of the applicant-petitioner indicates that after passing of the order dated 11.09.2025, a sum of Rs.5,200/- has been deposited by the applicant-petitioner in the bank account of the respondent and on different occasions, i.e., on 04.10.2025, on 06.11.2025, on 09.12.2025 and 14.01.2026 Rs.5,500/- have been deposited on those occasions. The bank statement also reflects that on 21.01.2026, a sum of Rs.20,800/- has been deposited and in the same month, i.e., on 28.01.2026, a sum of Rs.10,400/- has been deposited by the applicant-petitioner in the bank account of the respondents.

11. This fact is not in dispute that the order dated 11.09.2025 has not been complied with by the applicant-petitioner in its letter and spirit, but looking to the fact that the arrears of the rent which were due up to the month of January, 2026 have been duly deposited by the applicant-petitioner, which is very much evident from the bank statement furnished by her on the record, this

Court finds substance in the argument raised by counsel for the applicant-petitioner that the aforesaid order dated 11.09.2025 could not be complied with on account of the applicant-petitioner's husband suffering from brain stroke. Though, this Court is not satisfied with the aforesaid explanation of the applicant-petitioner for not complying with the order dated 11.09.2025 in its letter and spirit, but in the interest of justice, one last opportunity is granted to the applicant-petitioner to submit an undertaking before the Rent Tribunal within a period of two weeks from today with clear and specific direction to the applicant-petitioner to comply with the terms and conditions enumerated at Para No.6 of the order dated 11.09.2025 in its letter and spirit in future and in case, the applicant-petitioner violates any of the terms and conditions fixed by this Court, the Executing Court would be at liberty to proceed with the executing proceedings to get the possession of the rented premises from the applicant-petitioner and handover the same to the respondent forthwith.

12. It is further made clear that in case, any arrears are still due or any amount is required to be deposited with regard to the arrears of the rent by the applicant-petitioner in terms of the orders passed by Rent Tribunal and by this Court, counsel for the respondent may supply a statement, in this regard to the petitioner, so that the same can be deposited by her in the bank account of the respondents.

13. Accordingly, the instant application stands disposed of. All pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J