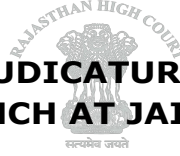




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Second Appeal No. 128/2025

1. Babulal S/o. Vradhichand Dholeta Wale, Resident of Gangapurcity (Since Deceased) Through LR.s.
- 1/1. Tulsiram S/o. Late Babulal, **(Since Deceased)**
- 1/1/1. Pradeep Kumar Gupta S/o. Late Tulsiram
- 1/1/2. Naveen Kumar Gupta S/o. Late Tulsiram
- 1/1/3. Rekha Gupta D/o. Late Tulsiram
2. Kistur Chand S/o. Late Babulal, Aged 48 Years,
3. Mukesh Chand S/o. Late Babulal, Aged 42 Years,
4. Vijendra Kumar S/o. Late Babulal, Aged 40 Years,
5. Vijendra Kumar S/o. Late Babulal, Aged 38 Years,
All Residents Of Gangapurcity.
6. Sushila Devi D/o. Late Babulal W/o. Shri Shimbhu Dayal,
Aged 45 Years, Resident of Gangapurcity.

----Appellants-Defendants

Versus

Mangal Kishore S/o. Brij Kishore, Resident of Indra Market
Gangapurcity.

----Respondent-Plaintiff

For Appellant(s)	:	Mr. Pallav Choudhary, Adv.
For Respondent(s)	:	Mr. Rahul Sharma, Adv. for Mr. Rajneesh Gupta, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

24/04/2026

1. The present second appeal has been filed by the appellant challenging the judgment and decree dated 18.11.2024 passed by learned Additional District Judge No.1, Gangapur City (hereinafter referred to as learned 'Appellate Court') in CAR No.1/2015 whereby, learned Appellate Court dismissed the appeal filed by the



appellant and affirmed the judgment and decree dated 10.11.2014 passed by learned Additional Civil Judge (Senior Division) Gangapur City, Sawai Madhopur (hereinafter referred to as learned 'trial Court') in Civil Suit No.2/2012.

2. Learned counsel appearing on behalf of the parties, upon instructions from their respective clients, have jointly prayed that both the parties have amicably arrived at compromise out of Court and the appellant has agreed to vacate the premises and he has also agreed to enhance *mesne profits*, therefore, the present appeal may be disposed of at this stage.

3. Heard learned counsel for the parties and perused the material available on record.

4. On consent of both the parties, the present appeal is disposed of, with the following consented terms:-

(i) Appellant will vacate the premises on or before 30.06.2027.

(ii) Appellant shall pay all the arrears of the rent as per the decree within a period of four weeks.

(iii) Appellant undertakes to pay mesne profits @ Rs.2,500/- per month from 01.05.2026.

(iv) Appellant is directed to file an undertaking before the learned Executing Court within a period of four weeks, to the effect that he will vacate the premises on or before 30.06.2027 and further to the effect that he will continue to pay the mesne profits @ Rs.2,500/-, per month till vacation of the premises and further, he will not sub-let or create any alteration in the disputed premises.



(v) The mesne profit, which is to be paid from 01.05.2026 shall be paid by the appellant by 15th day of the succeeding month. If he makes default for three consecutive months in payment of the mesne profits then, the respondents shall be entitled to execution for decree forthwith.

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

5. With the above observations, the present Civil Second Appeal stands disposed of.

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

(ASHUTOSH KUMAR),J