

Court No. - 4

Case :- WRIT - A No. - 16373 of 2023

Petitioner :- Nazmuddin Ahmad

Respondent :- Raj Kumar And 2 Others

Counsel for Petitioner :- Narendra Kumar Chaturvedi

Counsel for Respondent :- Shreya Gupta, Ravi Anand Agarwal

Hon'ble Prakash Padia, J.

1. Pursuant to the order passed by this Court Affidavit has been filed on behalf of sole petitioner namely Khan Najmuddin Ahmad, the same is taken on record.

2. Though in paragraph-6 of the affidavit it is stated that two years time may be granted to the petitioner to vacate the disputed premise but the Court is not satisfied with the time prayed for in the aforesaid paragraph.

3. Heard counsel for the petitioner and perused the record.

4. With the consent of counsel for the parties, one year time is granted to the petitioner from today to vacate the premises.

5. In the facts and circumstances of the case, without interfering with the orders passed by the court below which are under challenged in the present petition, the present petition is **disposed of**, directing the petitioner to vacate the premises on or before 15.10.2024 with the following conditions:-

(i) Defendant-petitioner is directed to file an affidavit within three weeks from today before **Prescribed Authority** that he will vacate the house in question within the time given by the Court;

(ii) Defendant-petitioner is directed to deposit all decretal amount within three weeks from today before **the competent court**. In case, any amount is already deposited, same shall be adjusted against the decretal amount;

(iii) Defendant-petitioner is also directed to pay rent of house in question on month to month basis on or before 20th day of each month till the vacation of house in terms of first two conditions;

(iv) It is made clear that the amount so deposited will be released in favour of the plaintiffs-respondents (landlord) without furnishing any security.

(v) In case of failure of fulfillment of any conditions so imposed by the Court, this order would lost the effect and plaintiffs-respondents are at liberty to proceed against the defendant-petitioner in accordance with law.

7. With the aforesaid observations, petition is **disposed of**.

8. It is made clear that no liberty is given to the petitioner to file fresh petition for the very same cause of action.

Order Date :- 16.10.2023

Swati