

Civil Misc. No. 13612-CII of 2015
In RA No.154-CII of 2015
In CR No.3447 of 2013

Uttam Chand Vs. Kusum Lata

Present:- Mr. D.S.Sandhu, Advocate for the applicant-petitioner
Mr. G.C.Shahpuri, Advocate for the respondent.

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Prayer made in this application is for condonation of delay of 101 days in filing the review application.

The application is allowed in view of the averments made in the application, which are supported by affidavit. The delay of 101 days in filing the application for review is condoned.

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On the last date i.e. 17.7.2015, counsel for the applicant had only restricted his prayer for more time to vacate the premises and the following order was passed by this Court:-

“Counsel for the applicant submits that the only prayer of the petitioner is for more time to vacate the premises in question subject to clearing all remaining dues. He further states that the petitioner shall also pay market rent for the time he remains in possession.

Notice in the Civil Misc. Application to Mr. G.C.Shahpuri, Advocate for the respondent-non-applicant for 24.7.2015.

Dasti also to the respondent.”

Counsel for the applicant submits that four months' time is required for shifting the business which he is carrying out in the premises in question and relocation is to be done.

Mr. G.C.Shahpuri, counsel for the respondent on the other hand submits that earlier time had also been granted and thereafter, the petitioner has tried his luck before the Apex Court and failed as the Special Leave Petition was withdrawn on 6.7.2015 and he only has instructions for giving extension of 2-3 months subject to payment of mesne profits for the occupation of the property from now onwards.

Vide order dated 4.3.2015 while dismissing the main case two months' time had been granted subject to clearing all arrears of rent within a period of one month which was deposited with the Rent Controller, Palwal. Accordingly, a period of three months' more time is granted to the applicant who shall vacate the premises in question by 31.10.2015. However, he shall liable to pay the mesne profit at market rate which is agreed at a sum of ₹ 5000/- from July, 2015. The said amount shall be deposited in advance within one week from today and an undertaking that the applicant shall vacate the premises in question and hand over the vacant possession by 31.10.2015 shall also be filed

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with the Rent Controller, Palwal. It is made clear that in case the needful is not done, the possession will be delivered to the respondent with the necessary help of the police.

The review application stands disposed of accordingly.

24.07.2015
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(G.S.Sandhawalia)
Judge