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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RC.REV. No.140/2014

SUDESH KUMAR

..... Petitioner

Through: Mr. P.K. Mishra and Mr. H.S. Dubey,
Advs.

versus

HEMLATA UDINIA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **04.09.2017**

CM No.32161/2017 (for exemption).

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

CM No.32162/2017 (of the petitioner for extension of time).

3. The applicant / petitioner / tenant, after giving undertaking to this Court to vacate the premises and deliver possession thereof to the respondent / landlady on or before 31st August, 2017, seeks extension of time to vacate by two years.
4. The undertaking given to the Court cannot be permitted to be so violated. The applicant / petitioner / tenant is already in breach of the undertaking and hence in contempt of this Court and cannot be heard. Moreover, it appears that the applicant / petitioner / tenant has no regard for undertaking given to the Court inasmuch as in para 'E' of the application has pleaded that the undertaking was filed without fully understanding the import thereof. When the same is put to the counsel for the applicant / petitioner / tenant, he first states that no such plea has been taken in the

application. However, when attention of the counsel for the applicant / petitioner / tenant is invited to para 'E' aforesaid, it is stated that he has not drafted the application and some other counsel has drafted the application.

5. The same shows the casual manner in which the pleas are made in the application and are affirmed on affidavit. Such conduct on the part of the applicant / petitioner / tenant also does not entitle the applicant / petitioner / tenant to any indulgence.

6. Even otherwise the grounds urged, of difficulty of the applicant / petitioner / tenant in vacating, are of no avail inasmuch as the difficulties of an erstwhile tenant cannot be passed on to the landlord.

7. The Court is even otherwise, without the respondent agreeing, not in a position to extend the time.

8. Dismissed.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 04, 2017

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