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

+ RC.REV. No.538/2012

RAM GOPAL AND SONS

..... Petitioner

Through: Mr. Harpreet Singh and Mr. Rajesh
Gupta, Advs.

versus

BRIJWATI

..... Respondent

Through: Mr. Abhishek Paruthi, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **23.08.2017**

CM No.30055/2017 (of the petitioner / tenant for extension of time).

1. The petitioner / tenant, after furnishing an undertaking to this Court to hand over vacant peaceful physical possession of the premises, from which the petitioner / tenant had been ordered to be evicted, on or before 31st August, 2017, seeks extension of time till 31st December, 2017.
2. The counsel for the respondent / landlady appears on advance notice and is not agreeable.
3. Without the respondent / landlady agreeing, this Court cannot alter the consent order.
4. Moreover, no such reason for which the Court should intervene has been disclosed. The reasons disclosed are purely 'commercial' and owing to the own default of the petitioner / tenant.
5. Dismissed.
6. At this stage, the counsel for the petitioner / tenant though was earlier offering, instead of Rs.4,000/- per month, Rs.8,000/- per month only now states that the petitioner / tenant would, for the period from 1st September,

2017 till the month of vacation of the premises before 31st December, 2017, pay an amount @ Rs.40,000/- per month to the respondent / landlady.

7. The counsel for the respondent / landlady still states that the respondent / landlady has urgent need for the premises and has already been facing inconvenience for over two years and is not agreeable.

8. However the respondent / landlady has been prevailed upon by this Court.

9. Mr. Ashwani Kumar Agrawal of petitioner present in Court undertakes to this Court to pay to the respondent / landlady a sum of Rs.40,000/- per month with effect from the month of September, 2017, till the month of December, 2017 in advance for each month by the 5th day of the month and to hand over vacant peaceful physical possession of the entire premises to the respondent / landlady on or before 31st December, 2017 and further undertakes that he will not seek any further extension.

10. The said undertaking of Mr. Ashwani Kumar Agrawal present in Court is accepted and he is cautioned of consequences of breach of undertaking given to this Court and is ordered to be bound thereby.

11. Accepting the said undertaking, the application is disposed of by providing that subject to the petitioner / tenant complying with his undertaking, the order of eviction is made inexecutable till 31st December, 2017.

The application is disposed of.

Dasti.

RAJIV SAHAI ENDLAW, J

AUGUST 23, 2017

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