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

+ **RC.REV. 436/2015 & CM APPL. 32562/2018**

DR. HIRA SINGH

..... Petitioner

Through Mr. H.S. Sandhu, Mr. Rajesh Pathak,
Advs.

versus

ASHOK KUMAR GANDHI

..... Respondent

Through Mr. Mohit Choudhary, Adv.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **14.08.2018**

Vide the present application CM APPL. 32562/2018 in RC.REV. 436/2015, which was disposed of vide order dated 25.08.2015, the petitioner seeks extension of time for a period of two years w.e.f. 25.08.2018 for compliance of the direction dated 25.08.2015 submitting *inter alia* to the effect that the applicant is suffering from very high degree of cancerous disease which has spread to other parts of the body and that the premises in question is the only source of income of the petitioner / applicant in as much as he runs his medical practice with the help of his married daughter, who is in Delhi for the time being to take care of the petitioner / applicant and that the petitioner / applicant is some how able to arrange part of the money for his treatment and running his house hold expenses from the income derived from the aforesaid practice.

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On behalf of the respondent, the application is vehemently opposed submitting *inter alia* to the effect that vide the order dated 25.08.2015 vide which RC.REV. 436/2015 was disposed of in terms of the settlement arrived at between the parties with the settlement terms being : -

“(i) The learned counsel for the petitioner is not challenging the order of eviction subject to his being granted a period of three years from today to vacate the tenanted premises.

(ii) This period of three years will commence from today and would end on 24.8.2018. During this period, the petitioner shall pay user charges @ Rs.10,000/- per month on 7th of each English calendar month with effect from 1.9.2015 till the last date of vacation, that is, 24.8.2018 unless and until he chooses to vacate before that date. In that eventuality, he shall pay at the aforesaid rate proportionally upto the date of vacation. This shall be in addition to the electricity and water charges payable by him as is being done presently.

(iii) The petitioner shall not sub-let, assign or part with the possession of the tenanted premises to any third party nor shall he carry out any additions or alterations or structural changes in the premises in question.”

and that the petitioner thus w.e.f. 25.08.2015 was granted three years till 24.08.2018 to vacate the tenanted premises with the payment of user charges.

The prayer made by the petitioner to the application as observed hereinabove qua the extension of time sought for a period of two years, is now sought to be confined for a shorter period.

On behalf of the respondent, the said prayer too is vehemently opposed.

Taking the factum into account that the petition itself had been filed
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on the ground of the bonafide requirements i.e. under Sections 14(1)(e) of the DRC, 1958 as amended on 06.01.2011, there is no merit in the prayer made on behalf of the petitioner as apparently from the date of the order 25.08.2015, there was ample time for the petitioner to ensure compliance thereof and ought to have made arrangements for the same.

The application is declined.

ANU MALHOTRA, J

AUGUST 14, 2018/MK