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

+ RC.REV. 585/2016

KUNWAR PAL SHARMA Petitioner
Through Mr. Sanjeev Kumar, Advocate.

versus

RAMESH CHAND GUPTA Respondent
Through Ms. Anunya Pandey and Mr. Dipesh
Sharma, Advocates.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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01.03.2017

CM No. 8414/2017

This is an application filed by the petitioner seeking permission to file a suit for declaration against the respondent.

The matter came up before this court on 11.01.2017 when the matter was settled. Relevant part of the order dated 11.01.2017 reads as follows:-

“1. After making some arguments learned counsel appearing for the petitioner on instructions from the petitioner, who is present in court in person, submits that the petitioner would like to settle the matter with the respondents if two years’ time is granted to the petitioner to vacate the property.

2. Let the petitioner place on record an affidavit undertaking to vacate the tenanted property being 166/3/120 Shanti Nagar, Tri Nagar, Delhi as described in the Eviction Petition on or before two years from today. He shall also undertake to pay the agreed rent of the property alongwith necessary arrears which is

Rs.238/- per month. The arrear shall be paid within three months from today. The monthly rent shall be paid by 7th day of each month. He will also undertake to clear all the electricity and water dues of the premises. He will also undertake not to sublet or part with possession of the property or cause any wilful damage to the property.

3. This affidavit shall be filed within two weeks from today. In view of the above undertaking which is to be given by the petitioner, learned counsel appearing for the respondent states that the respondent will not execute the eviction order on or before two years from today.

4. In view of the above, learned counsel appearing for the petitioner submits that he does not press the present revision petition.”

Instead of complying with the above order, the petitioner has now filed the present application relying upon the alleged fact that the petitioner paid a sum of Rs.25,000/- as a consideration amount to the father of the respondent at the time of taking possession of the suit property for which a receipt was executed. The father of the respondent had given a letter-cum-NOC to DESU and MCD. Hence, it is stated that this court may grant permission to file a suit for declaration against the respondent for declaration that the petitioner has become the owner of the suit property in the competent court of law.

It is not for this court to give permission to file any particular suit. It is for the petitioner to take steps in case he claims rights as per law.

In view of the above, the application stands disposed of.

CM No. 8413/2017

This application is also filed by the petitioner seeking a direction to

restrain the respondent from dispossessing the petitioner from the suit property within two years in compliance of the order dated 11.01.2017.

No additional facts are stated in the application which would warrant to be brought on record.

The application is dismissed.

CM No. 8406/2017

This is an application filed by the respondent seeking directions to the petitioner to comply with the order dated 11.01.2017 and to file the necessary affidavit as directed.

After some arguments, learned counsel for the petitioner submits that he will file the affidavit within two weeks in compliance of the order dated 11.01.2017. The petitioner may file the affidavit within two weeks from today. It is clarified that in case the affidavit is not filed within two weeks from today, the respondent is free to execute the eviction order.

In view of the above, the application stands disposed of.

JAYANT NATH, J

MARCH 01, 2017

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