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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. No.319/2017, CM No.24857/2017 (for stay) & CM No.24858/2017 (for condonation of 103 days delay in filing the petition).

SUKHMAL JAIN Petitioner

Through: Mr. Vishwendra Verma, Adv.

versus

MAYA RANI Respondent

Through: Mr. S.A. Khan, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.08.2017

1. This order is in continuation of the earlier order dated 17th July, 2017.
2. The counsel for the respondent / landlady states that the petitioner / tenant has not been using the subject shop for the last several years and has shown certain photographs to this Court to demonstrate that the shop is lying closed and is full of rubble.
3. The counsel for the petitioner / tenant under instructions from the petitioner / tenant denies the photographs. However on enquiry as to to what use the petitioner / tenant is putting the subject shop to, it is informed that the petitioner / tenant is carrying on business of sale of *saaris* therefrom. Upon proof of payment of electricity charges being asked, it is stated that electricity charges are paid in cash to the respondent / landlady. On proof of sale of *saaris* being asked, it is stated that the respondent / landlady, for the past two years, has not allowed the petitioner / tenant to carry on business from the subject shop and it is for this reason that the shop is lying closed.

4. The aforesaid confirms that the petitioner / tenant at least for two years is not in use of the shop. In this circumstance, grant of one year's time to vacate the shop as was sought is not found justified.

5. The counsel for the petitioner / tenant having already on 17th July, 2017 otherwise withdrawn this petition, no case for grant of time to the petitioner / tenant to vacate is made out.

The petition is dismissed as withdrawn.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 17, 2017

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