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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 558/2017 & CM APPL. 29594-29596/2018**
SABIR @ SAVIR Petitioner
Through Mr. M.L. Bajaj, Adv.

versus

MOHINDER SINGH Respondent
Through Mr. Gurmit Singh, Adv.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **27.07.2018**

CM APPL. 29596/2018

Exemption allowed subject to all just exceptions.

The application is disposed of.

CM APPL. 29594/2018 & CM APPL. 29595/2018 in RC.REV. 558/2017

The petition has already been disposed of vide order dated 06.12.2017 whereby the petitioner had been directed to hand over the vacant and peaceful possession of the demised premises i.e. Shop No. 1 situated on left side of property bearing no. B-22, Rana Pratap Bagh, Delhi 110007 on or before 31.07.2018, subject to the conditions that he would furnish an undertaking to the satisfaction of the Rent Controller within ten days thereof to the effect that he would not create a third party interest in the demised premises during the period the petitioner remained in possession and use thereof and that he would pay the arrears of rent, if any, within the same

period and continue to pay the user / occupation charges at the rate of Rs.8,000/- per month from the date of order of eviction month by month during the said period and that he would continue to pay the electricity and water charges or any other charges to be borne by him periodically and that he would hand over the vacant and peaceful possession of the premises on or before 31.07.2018, it having been observed *inter alia* to the effect that in the event of any default in compliance of the submissions of the undertaking or complying with the terms and conditions as directed vide order dated 06.12.2017, the eviction order would become executable forthwith.

The matter has been taken up in view of the CM APPL. 29594/2018 filed on behalf of the petitioner seeking extension of time for eviction of the said premises till 30.06.2019 and of the CM APPL. 29595/2018 seeking a stay of the eviction of the petitioner from the premises submitting *inter alia* to the effect that pursuant to the directions dated 06.12.2017, the petitioner had entered into a transaction also for purchasing of a shop in as much as a meat shop was to be run but the deal could not be finalized and had to be cancelled as persons in the neighbourhood were not agreeable for running of a meat shop in the building intended to be purchased by the petitioner.

It has *inter alia* been submitted on behalf of the petitioner that there has been a requisite compliance of 06.12.2017 for payment of the user and occupation charges till the month of July, 2018 qua which there are submissions have been made on behalf of the respondent to the effect that the same have not been paid submitting to the effect that the payments are being made in a wrong name.

The prayer made on behalf of the petitioner seeking extension of time, has been vehemently opposed on behalf of the respondent.

Taking into account that the petitioner through its predecessor is in possession of the demised premises since 1960 as mentioned in the judgment dated 09.06.2017 in RC ARC NO. 25-17, time is granted to the petitioner to vacate the demised premises by the dated 30.09.2018 without default and the payment of all dues in terms of the order dated 06.12.2017 and all further dues also in terms of the said order are directed to be deposited into the account of the respondent by the 7th day of each succeeding calendar month with the arrears due in terms of the order dated 06.12.2017 till July, 2018 being deposited in the account of the respondent by the date 06.08.2018. The account number of the respondent be submitted on the record during the course of the day with the copy being supplied to the learned counsel for the respondent.

Learned counsel for the respondent has handed over the Demand Draft bearing no. 170352 dated 16.02.2018 for a sum of Rs.64,000/- in favour of Mahender Singh drawn on Indian Bank and Demand Draft bearing no. 170390 dated 20.02.2018 for a sum of Rs.1,980/- in favour of Mahender Singh drawn on Indian Bank also to the learned counsel for the petitioner. Photocopies of the said demand drafts be placed on the record.

The applications are disposed of.

ANU MALHOTRA, J

JULY 27, 2018/MK