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IN THE HIGH COURT OF DELHI AT NEW DELHI
RFA 737/2019

VIJAY SHARMA

..... Appellant

Through: Mr. Kaushal Yadav, Advocate (M:
9891290858).

versus

KIRAN BHAYANA

..... Respondent

Through: Mr. Madhu Sudan Bhayana, Advocate (M:
9891617861).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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13.05.2020

CM APPL. 10851/2020

1. This hearing has been held through video- conferencing. The present application has been filed seeking extension of time to vacate the suit premises.
2. By a detailed order of this Court on 19th August, 2019, the Appellant was granted time to vacate the suit premises, subject to the Appellant paying interim *mesne* profits of Rs. 35,000/- per month with effect from 1st September, 2019 till the date of handing over possession of the suit premises to the Respondent. The Appellant was also directed to handover vacant and peaceful possession of the suit premises on or before 30th March, 2020.
3. The Appellant, however, again moved an application for extension of time to vacate the suit premises two weeks before the time for handing over possession of the suit premises was coming to an end. Vide order dated 16th March, 2020, a Id. Single Judge of this Court observed that there were no details in the application as to any efforts made by the Appellant to find alternate accommodation. However,

by way of abundant indulgence and after having taken the consent of the Id. Counsel for the Respondent, the date for handing over vacant and peaceful possession of the suit premises was extended till on or before 15th May, 2020, subject to the directions contained in order dated 19th August, 2019. Accordingly, the said application was disposed of.

4. This order was passed on 16th March, 2020. However, on 23rd March, 2020 the nation-wide lockdown came into effect due to the out-break of Covid-19. Hence, the present application seeking extension of time for vacating the suit premises.

5. This Court has heard Mr. Kausal Yadav, Id. counsel for the Appellant, as well as Mr. Madhu Sudan Bhayana, Id. counsel for the Respondent. After taking the totality of circumstances into consideration, including the fact that the Respondent-Landlady is a widow who has no alternate source of income, and the fact that the lockdown was announced almost immediately after the passing of the last order, it is directed as under:-

- i. The Appellant shall, as a last and final opportunity, handover vacant and peaceful possession of the suit premises to the Respondent on or before 31st July, 2020.
- ii. The *mesne* profits due for the month of March 2020 and April 2020, shall be transferred by the Appellant to the Respondent through RTGS within one week.
- iii. For the month of May, June and July, the *mesne* profits payable by the Appellant to the Respondent are enhanced to Rs. 50,000/- per month, which shall be paid on or before the 10th of each month. In so far as the *mesne* profits payable for the month of May are concerned, the same shall be paid by 20th May, 2020.
- iv. The Appellant shall file an affidavit of undertaking incorporating the above

terms, in the usual manner. The said affidavit shall also disclose the permanent address and contact details of the Appellant. The said affidavit shall be transmitted by e-mail to the Court Master and shall also be filed in the Registry by email, without attestation. If the said affidavit is not filed within a period of one week and the arrears for the month of March and/or April are not paid within one week, no further opportunity shall be granted. The Appellant shall then handover vacant and peaceful possession of the suit premises immediately upon the expiry of one week, failing which the Respondent is given liberty to move an application before this Court.

6. Application is disposed of in the above terms. It is made clear that this Court has not examined the merits of the matter.

PRATHIBA M. SINGH J.

MAY 13, 2020

MR/T