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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RFA(OS) 48/2024 & CM APPL. 53276/2024, CM APPL. 53277/2024,
CM APPL. 53278/2024, CM APPL. 53279/2024, CM APPL.
53280/2024, CM APPL. 53281/20240

RANJIT KUMAR PACHNANDAAppellant
Through: Mr Jayant Mehta, Senior Advocate with
Mr Mukul Katyal, Advocate
versus
HEM MANOHAR & ORS.Respondents
Through: Mr Arjun Singh Bawa, Advocate

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% 11.09.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 53277/2024

1. Allowed, subject to just exceptions.

CM APPL. 53281/2024

2. Mr Jayant Mehta, learned senior counsel, who appears on behalf of applicant/appellant, on instructions, says that the deficit court fee will be paid within the next two (02) weeks.

2.1 The statement of Mr Mehta is taken on record.

3. The application is disposed of based on the statement made before us.



RFA(OS) 48/2024 & CM APPL. 53276/2024, CM APPL. 53278/2024, CM APPL. 53279/2024, CM APPL. 53280/2024

4. This appeal is directed against the judgement dated 28.06.2024.

5. Mr Jayant Mehta, learned senior counsel, who appears on behalf of the appellant, says, on instructions, that he does not wish to argue the appeal on merits and all that the appellant would require, given his circumstances, is extension of time for vacating the subject property.

6. Issue notice.

6.1 Mr Arjun Singh Bawa, learned counsel, who appears on behalf of respondent nos.1 and 2 i.e., the contesting respondents, accepts notice and says that he would have no objection if a short extension is granted to the appellant for vacating the subject premises.

7. Mr Bawa says that inspite of the communication dated 22.05.2023 served on the appellant, he entered the subject premises with the knowledge that a restraint order dated 21.11.2019 was in operation with regard to the subject premises.

8. We must note that Mr Bawa did concede, fairly, that the subject lease deed was executed prior to the aforementioned communication.

8.1 We are told that the lease deed was executed on 05.05.2023.

9. However, in view of the contesting respondents i.e., respondent nos.1 and 2 wanting to secure the possession of the property at the earliest, Mr Bawa says, on instructions, that a leeway of three (03) months could be granted to the petitioner to vacate the subject premises.

10. Accordingly, the appeal is disposed of with the following directions:



- (i) The appellant will vacate the subject premises on or before 31.12.2024.
 - (ii) For the month of October, 2024, up until the date of occupation of the subject premises, rent at the rate of Rs.2,85,000/- per month will be remitted to respondent nos.1 and 2.
 - (iii) The rent will be paid on or before 07th day of every calendar month.
 - (iv) The appellant will also file an undertaking by way of an affidavit, which would, *inter alia*, state that he will vacate the subject premises within the timeframe stipulated above and also pay the current rent/occupation charges at the rate of Rs.2,85,000/- per month to respondent nos.1 and 2. The affidavit will be filed within the next two (02) weeks. A copy of the affidavit will be furnished to Mr Bawa.
11. Furthermore, the respondents are given liberty to approach the Court in case there is any violation of the conditions stipulated above.
12. The appeal is disposed of in the aforesaid terms. Consequently, the pending applications shall stand closed.
13. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

SEPTEMBER 11, 2024/ds

[Click here to check corrigendum, if any](#)