

Ashok Kumar Gupta vs. M/s. Awon Restaurant
RCT no. 20/2023

22.02.2023

Present : Sh. Rohit Pal, proxy counsel for appellant

This is fresh appeal under Section 38 of the Delhi Rent Control Act. It be checked and registered.

Application dated 17.02.2023 of appellant for exemption from filing certified copies is allowed subject to the same being filed by the next date.

Subject to appellant filing PF and RC within one week, notice be issued to respondent returnable on 15.03.2023.

(GIRISH KATHPALIA)
PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs)
DELHI/22.02.2023

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At this stage (03:25 pm) file again taken up on oral request of learned counsel for appellant, who explains that he got stuck in Dwarka Courts.

Present: Sh. C.P. Malik, counsel for appellant with appellant in person

Learned counsel for appellant requests for ex-parte stay on the operation of the impugned order. It is contended by learned counsel that in view of order of the Hon'ble Supreme Court in the case of In re: Cognizance for Extension of Limitation, the period of two months to occupy the subject premises could not have commenced from 16.03.2020, therefore the impugned order is prima facie not sustainable.

The appellant also was heard. The appellant explained that he is aged above 70 years and is a cancer survivor; that he has only three daughters who are married and settled, so he is the sole earning person for himself and his wife; that during the period of two months after the vacation of the subject premises, covid pandemic was at its peak and he being a cancer survivor could not take risk of his life, though he had already initiated process of preparing the premises to be usable.

Considering the above circumstances, operation of the impugned order dated 09.02.2023 is stayed till next date. A copy of this order be sent to the learned trial court and be also given dasti to the appellant.

(GIRISH KATHPALIA)
PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs)
DELHI/22.02.2023