

ITEM NO.55

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16134/2010

(From the judgement and order dated 29/04/2010 in RCREV No.
63/2010 of The HIGH COURT OF DELHI AT N. DELHI)

MATA DIN SHARMA

Petitioner(s)

VERSUS

KESAR DEVI

Respondent(s)

(With prayer for interim relief)

Date: 24/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE C.K. PRASAD
(VACATION BENCH)

For Petitioner(s) Mrs. Anjani Aiyagari, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against the order of the learned Single Judge of Delhi High Court who refused to upset the order of eviction passed by Rent Controller (South), Patiala House Courts, New Delhi in the petition filed by the respondent under Section 14D and 25B of the Delhi Rent Control Act, 1958.

A perusal of the record shows that on 19.3.2010, learned counsel appearing for the petitioner before the High Court made a statement that his client would vacate the suit premises by 31.12.2010 and that his client withdraws the challenge laid to the order of the Rent Controller. However, when the matter was taken up on 29.4.2010, learned counsel resiled from his earlier statement by saying that his client is not willing to remain bound by the

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statement made on 19.3.2010. The learned Single Judge rejected the prayer made by the learned counsel for being allowed to argue the case on merits and dismissed the petition.

We have heard learned counsel for the petitioner and perused the record. In our view, the learned Single Judge did not commit any error by refusing to allow the petitioner to wriggle out of the undertaking given on 19.3.2010 to vacate the premises on or before

31.12.2010 and there is no warrant for exercise of jurisdiction of this Court under Article 136 of the Constitution of India.

The special leave petition is accordingly dismissed.

However, the petitioner is granted time till December 31, 2010 to vacate the suit premises and hand over possession thereof to the respondent. This would be subject to filing of an undertaking by the petitioner to that effect before this Court within a period of four weeks from today.

During the aforesaid period, the petitioner shall continue to pay an amount equivalent to monthly rent to respondent by way of damages for use and occupation of the premises.

The petitioner is also directed not to induct any person in the suit premises in any capacity whatsoever and deliver vacant possession thereof to the respondent.

If the petitioner is found to have violated these conditions, he shall have to suffer proceedings under the Contempt of Courts Act, 1971.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master