

ITEM NO.37

COURT NO.8

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MA No.1108 of 2019 in SLP (Civil) No.23762/2018

(Arising out of impugned final judgment and order dated 11-09-2018
in SLP(C) No.23762/2018 passed by the Supreme Court Of India)

BHAG SINGH MALIK @ BHAL SINGH MALIK

Petitioner(s)

VERSUS

CHINMAYA TAPOVAN TRUST & ANR.

Respondent(s)

(FOR ADMISSION; and, IA No.87484/2019-EXTENSION OF TIME TO VACATE
THE PREMISES)

Date : 01-07-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. M.C. Dhingra, Adv.
Mr. Gaurav Dhingra, AOR

For Respondent(s)

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

On 11.09.2018, following order was passed by this Court:

"We see no reason to interfere.

The special leave petition is dismissed.

The petitioner is, however, granted time to vacate and deliver vacant physical possession to the respondent Trust on or before 30th June, 2019, subject to filing usual undertaking within four weeks from today.

The usual undertaking shall also include a term that all the arrears as on date shall be paid to the respondent Trust and the petitioner shall continue to pay the monthly rent to the respondent Trust."

It is a matter of record that appropriate undertaking has been filed by the petitioner, in terms of which the petitioner was obliged to vacate the premises by 30.06.2019.

Miscellaneous Application No.1108 of 2019 was however filed on 06.06.2019 seeking extension of time to vacate the tenanted premises.

It has been submitted in the application that the petitioner has procured alternative accommodation and is in the process of making said accommodation ready so that he can shift in that accommodation at an early date. However, the repairing works are still not complete and, as such, the petitioner is seeking extension.

Order dated 11.09.2018 was passed *ex parte*.

We have gone through the application and considered the submission of Mr. Dhingra, learned Advocate for the petitioner. In the peculiar circumstances of the case, we grant two months' extension to the petitioner, subject to his filing usual undertaking within a week from today incorporating *inter alia*:

- (a) the petitioner shall clear all the arrears within seven days from today and for next two months shall pay compensation @ Rs.25,000/- (Rupees twenty five thousand only) per month to the respondent Trust; and
- (b) the petitioner shall not create any third party rights in the suit premises and shall handover vacant and peaceful possession of the suit premises to the respondent Trust on or before 31.08.2019.

Miscellaneous Application No.1108 of 2019 is disposed of in the aforesaid terms.

(MUKESH NASA)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER