

On a query, learned counsel for the petitioner submits that since the petitioner had withdrawn the challenge to the eviction order, he could not have assailed the substantive order.

It is in these circumstances, we heard the challenge to the impugned order.

It is as far back as 05.12.2019 that the petitioner unconditionally withdrew his petition before the Delhi High Court and undertook to hand over vacant and peaceful possession of the tenanted premises to the respondent on or before 04.06.2020 subject to undertaking and that undertaking was filed.

One day prior to the expiry of the period granted to vacate, an application was filed seeking extension of time till 05.12.2020 to vacate the premises. However, no affidavit of undertaking was filed pursuant to that order as submitted before the High Court, but as pointed out in para 11 of the impugned order, this was an incorrect submission as the affidavit of undertaking had been filed.

Thereafter, the petitioner sought to canvass that due to the pandemic he could not make alternative arrangements. Before us, a submission is also sought to be raised in terms of what is stated in para 15 of the impugned order i.e. assailing the order on the ground that there have been subsequent developments.

The High Court dismissed the review application.

We are of the view that a signal must be sent that such kind of proceedings will be put down with a firm hand. The petitioner

has no right to stay even for a day beyond the period of undertaking as originally accepted by the High Court. The extension of time till 05.12.2020 was also obtained by misleading the High Court as if the petitioner wanted to vacate.

We are thus, of the view that there have be two consequences of the present proceedings. The first consequence is that beyond the period of 04.06.2020, the petitioner must be made to pay market rent. Instead of remitting the matter back, we consider appropriate to fix a sum of Rs.2,000/- per month for the period beyond 04.06.2020 till date of the vacation.

We also consider it appropriate to impose costs for the misadventure both before the High Court and before this Court and quantify the amount for the same as Rs.20,000/- to be paid to the respondent.

Both the aforesaid amounts be remitted within a period of two weeks from today.

The special leave petition is dismissed in aforesaid terms.

Pending application stands disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR