

ITEM NO.6

COURT NO.11

SECTION IX

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 46710/2023

(Arising out of impugned final judgment and order dated 20-10-2023 in MCA(R)ST No. 7861/2023 08-03-2023 in WP No. 239/2023 passed by the High Court Of Judicature At Bombay At Nagpur)

USHA

Petitioner(s)

VERSUS

DR TIRUPATI

Respondent(s)

(IA No.259223/2023-CONDONATION OF DELAY IN FILING and IA No.259225/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 15-12-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Praveen Swarup, AOR
Mr. Rajindra Singh Rana, Adv.
Mr. Ameet Singh, Adv.
Mr. Devesh Maurya, Adv.
Mr. Ravi Kumar, Adv.
Mr. Shekhar Chandra, Adv.
Mr. Sumit, Adv.
Ms. Pooja Sagar, Adv.

For Respondent(s)

UPON hearing the counsel the court made the following

O R D E R

1. Delay condoned.
2. We do not see any merit in the present petitions and decline to interfere with the impugned order(s).
3. At this stage, learned counsel for the petitioner states that the petitioner-tenant may be granted a reasonable time to vacate the subject premises and

handover the vacant and peaceful possession thereof to the respondent-landlord.

4. In view of the fact that the petitioner-tenant is stated to be using the subject premises on a commercial basis and is running a chemist shop therefrom, it is deemed appropriate to grant her a period of six months' reckoned from today, i.e., 15th December, 2023 to vacate the subject premises, subject to her filing the usual undertaking/affidavit in the Registry of this Court within four weeks from today with a copy to the other side and subject to the petitioner-tenant continuing to pay the use and occupation charges to the respondent-landlord on a monthly basis, till the vacant peaceful possession of the premises is handed over.

5. Learned counsel for the petitioner-tenant undertakes that though the respondent-landlord had waived a sum of ₹51,533/- (Rupees Fifty one thousand five hundred thirty three only) @ 6% per annum payable by the petitioner-tenant from the date of instituting the suit, i.e., from 22nd October, 2008 towards arrears of rent as on 31st March, 2015, the petitioner-tenant shall tender the said amount to the respondent-landlord within a period of four weeks from today in terms of the order passed by the learned Single Judge on 28th April, 2015.

6. The petitions are disposed of on the above terms.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Nand Kishor)
Court Master (NSH)