

INTERLOCATORY APPLICATION NO.3

(Application for extension of time)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL) NO. 30126 OF 2016

MOHD. ISRAIL AND ANR.

...PETITIONER(S)

VERSUS

NAUSABA A. SABARI AND ORS.

...RESPONDENT(S)

OFFICE REPORT

The Special Leave Petition above mentioned was listed before the Hon'ble Court on 11.11.2016, when the Court was pleased to pass the following order:

“Learned counsel for the petitioners states, that it was only on account of a technical defect, that the claim raised by the petitioners was shut out. It is submitted, that the petitioners have been tenants for a substantially long time, and deserve to be allowed some time to search for an alternative accommodation and to shift thereto. It is further submitted, that the petitioners are 2 presently paying a rental of Rs.700/- per month, and that in case some further time is granted to the petitioners, they are ready and willing to pay Rs.1,000/- per month as user charges from the date of passing the impugned order.

Having given our thoughtful consideration to the pleas raised by the learned counsel for the petitioners, we are of the view, that the impugned order calls for no interference whatsoever.

We are however satisfied, that some time should be granted to the petitioners to search for an alternative accommodation and to move thereto. In the above view of the matter, we allow the petitioners to retain possession of the premises in question till 30.04.2017. The petitioners shall pay all arrears of rent and user charges from the date of passing the impugned order, in terms of the undertaking given to this Court, within four weeks from today. Future user charges shall be paid in advance within the first week of every English calendar month. The petitioners shall also file usual undertaking before this Court, within four weeks from today, indicating inter alia, that they will not create any third party rights in the meantime, and further, that they shall handover peaceful vacant possession of the premises in question to the respondents, on or before 30.04.2017.

Disposed of in the aforesaid terms.”

It is submitted that Mr. Vipin Kumar Jai, Counsel for the Petitioner has on 22.11.2016 filed Affidavit of Undertaking.

It is further submitted that Counsel for the Petitioner has on 21.04.2016 filed application for direction/extension of time for three months to vacate the premises and the same has been registered as I.A. No.3.

The Application above mentioned is listed before the Hon'ble Court with this office report.

Dated this the 03rd day of May, 2017.

ASSISTANT REGISTRAR

Copy to:

Mr. Vipin Kr. Jai, Advocate

Mr. Dhananjay Garg, Advocate

ASSISTANT REGISTRAR

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