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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 31st July, 2025

+ CM(M) 1080/2025

NITIN RAI SHARMA

.....Petitioner

Through: Mr. K.K. Manan, Sr. Adv. with Mr. Om Prakash Gupta, Ms. Udit Bali, Mr. Karmanya Singh Choudhary, Mr. Lavish Chandra, Mr. Mayank Arora & Ms. Savita Sethi, Advs.

versus

ASHOK KAPOOR

.....Respondent

Through: Mr. Shivam Goel & Ms. Sanya Sharma, Advs. alongwith respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 46218/2025 (for extension of stay of order dated 04.06.2025)

1. Respondent/Mr. Ashok Kapoor is having a decree in his favour and is seeking eviction of his tenant from the tenanted premises.
2. Pursuant to such decree, an Execution Petition being EX. No. 33/2024 was filed.
3. When the abovesaid execution petition was pending, the judgment debtor moved an application before learned Trial Court, seeking extension of time to vacate the premises, citing personal exigency.
4. Learned Executing Court, after hearing both the sides, allowed such request in part and granted limited extension of 15 days i.e. upto 30.05.2025 to vacate and handover peaceful possession of the tenanted premises to decree holder.
5. Feeling aggrieved, judgment debtor has filed the present petition under



Article 227 of Constitution of India. When this petition was taken up by this Court on 30.05.2025, just before the start of summer vacation, the following order was passed :

- “1. The point raised in the present petition is very short and precise.*
- 2. The petitioner submits that he would vacate the premises in question but prays for time till 30.07.2025.*
- 3. It is submitted that a request in this regard was made before the learned Trial Court also but it granted time of 15 days only, which is expiring on 30.05.2025.*
- 4. None appears on behalf of the respondent despite advance notice.*
- 5. Issue notice to the respondent through all permissible modes. Notice be also issued through counsel.*
- 6. Be placed before learned Vacation Bench on 04.06.2025.*
- 7. In the meanwhile, the execution would remain stayed.*
- 8. Order dasti under the signatures of Court Master.”*

6. Thereafter, the matter was taken up by learned Vacation Bench on 04.06.2025 and after hearing both the sides, the following order was passed:

- “1. The present application under Section 151 of the Code of Civil Procedure, 1908 [“CPC”] is for stay of operation of Order dated 14.05.2025 passed in Ex. No. 33/2024 wherein the learned Executing Court under Order XXI Rule 35 of CPC directed delivery of possession of the tenanted premises to the Respondent.*
- 2. Petitioner is present in person and states that he will positively vacate the premises on or before 01.08.2025. He further states that he will seek no further extension and undertakes to make a payment of Rs.65,000/- through RTGS by tomorrow, i.e. 05.06.2025, for the purpose of the said extension.*
- 3. In view of the statement made by the Petitioner and undertaking given by him, the operation of Order dated 14.05.2025 shall remain stayed till the next date of hearing.*
- 4. It is made clear that the present order is being passed purely on the undertaking of the petitioner that he shall positively vacate the premises on or before 01.08.2025 and seek no further extension.*
- 5. In view of above, the present application is disposed of.*



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6. List on 05.08.2025 before Roster Bench for compliance.”

7. Thus, it is very clear that the orders have been passed on the specific undertakings of the petitioner who in no uncertain terms, agreed to vacate the premises on or before 01.08.2025 and it was made clear that he would not be entitled to seek further extension in the matter.

8. The matter has been taken up today as one application has been filed by the petitioner and by virtue of such application being CM APPL. 46218/2025, petitioner seeks extension of time for another period of five months i.e. upto 31.12.2025. He submits that he has, though, got an alternative accommodation but to make it fully habitable, he would be requiring some further time. He also submits that he has two school-going children and, therefore, it would be difficult for him to find any other tenanted place for such a short period of 3-4 months.

9. Learned counsel for respondent/decreed holder appears on advance notice and strongly opposes the abovesaid request.

10. This Court has already extracted the abovesaid orders and it is quite clear that the intention of the petitioner does not look to be an honest one as he is retracting from the statement which he had made before this Court, not once but twice.

11. In view of above, this Court does not find any reason to give any further indulgence of any kind, particularly, when even the decreed holder is not agreeable to any further extension.

12. Resultantly, the abovesaid application is dismissed.

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13. During course of the arguments, Mr. K.K. Manan, learned Senior Counsel appearing for petitioner, in terms of instructions which he has received from the petitioner, who is present in the Court, submits that the matter is now listed before learned Executing Court on 14.08.2025 for appointment of *Bailiff*. He submits that as per fresh clear instructions, the petitioner would vacate premises on or before 14.08.2025 and, therefore, the time till 14.08.2025 be given to him.

14. Learned counsel for respondent/decreed holder does not dispute that the next date before learned Administrative Civil Judge is 14.08.2025 for appointment of a *Bailiff*.

15. Keeping in mind overall facts, it is ordered that if the premises are not vacated by petitioner by 12:00 P.M. of 14.08.2025, the decreed holder would be at liberty to get *Bailiff* appointed for the purposes of getting possession of tenanted premises in question.

16. In view of above, time is granted till 14.08.2025. It is made clear that in view of specific assurance given by learned Senior Counsel and also by the petitioner, who is present in Court, no further request for extension on any grounds whatsoever, shall be entertained.

17. Petition stands disposed of in aforesaid terms.

18. The next date i.e. 05.08.2025 also stands cancelled.

19. Pending applications, if any, also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 31, 2025/ck/SS