

## Basharat Ansari vs Zaheer Alam on 21 March, 2018

**Author: R.K.Gauba**

**Bench: R.K.Gauba**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ RC.REV. 147/2016

BASHARAT ANSARI

Through:

..... Petitioner  
Ms. Prabha Mishra, Advocate along  
with petitioner in person.

versus

ZAHEER ALAM

Through:

..... Respondent  
Mr. Suhail Khan, Advocate along  
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA  
ORDER

% 21.03.2018 CM Nos. 7866/2016 (for stay), 34418/2016 (u/S 151 CPC), 30155/2017 (for clarification of order dated 23.05.2017) The main revision petition in which these three applications have been filed and are pending was submitted by the petitioner Basharat Ansari seeking to assail the order dated 28.08.2015 passed by the Additional Rent Controller granting an order of eviction against him under Section 14(1)(e) of Delhi Rent Control Act, 1958 on the petition of the respondent which was submitted on 19.11.2013.

By order dated 02.05.2016, the execution of the eviction order was stayed till next date, i.e. 09.08.2016. On 09.08.2016, it was submitted by the respondent that the petitioner had not paid even the admitted rent since April, 2013 and that even electricity dues were pending, the electricity connection having been disconnected on such account. The petitioner was directed to ensure payment of unpaid arrears and dues of electricity within a period of four weeks from the said date and he was required to file an affidavit to that effect and subject to compliance with the said directions, the interim order was allowed to continue.

The respondent landlord moved an application for vacation of stay contending that the order had not been complied with. The petitioner later moved an application (CM No.44566/2016) for modification of the order dated 09.08.2016 but the said application was dismissed on 23.05.2017. The petitioner was granted opportunity to comply with the said order dated 09.08.2016 within one week of the said date failing which the respondent was to have the liberty to get the eviction order executed. The grievance of the respondent is that the order has not been complied with by the petitioner till date. This is confirmed by the petitioner who is present in person with his counsel, he taking the position that he is not able to discharge the liability towards arrears of rent or electricity dues.

In these circumstances, the stay against execution is hereby vacated. This disposes of all the captioned applications.

Be listed on 25th September, 2018.

R.K.GAUBA, J MARCH 21, 2018 srb