



possession in part performance of 10% of the alleged sale consideration. Hence, he has not proved to the satisfaction of rent controller as well as appellate court that he was given possession in part performance of the agreement.

Similarly, as far as second part of arguments [sub para `b` above] is concerned, provisions of order 41 rule 27 CPC are not applicable as the trial court in response to order 41 rule 27 (a) never refused to accept or admit any evidence that could have been produced by the petitioner and secondly, in terms of aforesaid provision, the appellate court never required any documents to be produced or any witness to be examined. Hence, an unnecessary application under order 41 rule 27 CPC was filed which was rightly declined and the rent controller`s order was maintained.

At this juncture, counsel for the petitioner requested that one [1] year time be given to the petitioner to vacate the premises. I deem it appropriate to provide only six [6] months` time to the petitioner to vacate the premises subject to payment of rent and utilities charges as and when become due for payment. In case of failure to make any of the payments, writ of possession shall be issued without notice with police aid.

The petition stands dismissed alongwith pending applications in the above terms.

JUDGE

D/o matter

- ① For orders on CMA No. 5719/2021 (Urgent Appeal)
- ② For orders on CMA No. 5720/2021 (Extension of time)