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

+ RC.REV. 124/2016

DAULAT RAM DECEASED THR HIS LRS

..... Petitioner

Through Ms. Seema Issar, Adv.

versus

SUNIL BHARDWAJ & ORS

..... Respondent

Through Mr. Dushyant, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **22.02.2016**

RC.REV. 124/2016 & C.M. No.6542/2016

After some discussions, parties have arrived at a settlement. Learned counsel for the petitioner under instructions from her client (Shakuntla Devi and Pradeep Kumar, the widow and son of deceased Daulat Ram) states that the suit property i.e. the suit shop bearing No. WZ 84, Mohan Nagar, Pankha Road, New Delhi will be vacated positively on or before 31.10.2016. In this intervening period w.e.f. 01.03.2016, the petitioner shall pay rent at the rate of Rs.5,000/- per month. This order has been passed in view of the proposition cited by the learned counsel for the respondent laid down in judgment reported as 188 (2012) DLT 126 Atma Ram Properties (P) Ltd. Vs. M/s Escorts Ltd.. Learned counsel for the respondent submits that the arrears of rent which had been fixed by the Trial Court at the rate of Rs.1,000/- per month in the connected petition (R.C. Rev. No. 123/2016) have also not been paid. Learned counsel for the petitioner undertakes to clear all arrears up to 01.03.2016 at the rate of Rs.1,000/- per month within 12 weeks from today. Needless to state

that at the time of handing over the vacant and physical possession of the suit property to the landlord, all electricity and water charges shall be cleared. It is also made clear that no further extension of time will be granted to the petitioner. A statement has also been made by the learned counsel for the petitioner that the other legal heirs of Daulat Ram would have no objection to this order which has been passed today particularly Dheeraj Kumar who has contested the petition under Section 14 (1)(a) of the DRCA and the counsel appearing for Dheeraj Kumar before the ARC is the same. All these facts shall be incorporated in an affidavit of undertaking to be filed by Shakuntla Devi and Pradeep Kumar separately. This affidavit of undertaking shall be furnished in advance to the learned counsel for the respondent. The affidavit shall be filed within 10 days from today failing which the landlord will be at liberty to execute the decree.

Petition disposed of.

INDERMEET KAUR, J

FEBRUARY 22, 2016

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