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

+ RC.REV. 378/2016

M/S JAIMAL PRASAD GIAN CHAND Petitioner
Through Mr.Ankit Gupta, Advocate

versus

RAM SINGH Respondent
Through Mr.Sanjeev Sharma, Advocate

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
20.10.2016

CM No.27667/2016(delay)

By the present application filed under Section 151 of the CPC, the petitioner seeks condonation of delay of 60 days in re-filing the present review petition.

For the reasons stated in the application, the same is allowed and the delay of 60 days in re-filing the present review petition is condoned.

CM No.27668/2016(for bringing on record LRs)

This is an application filed under Order 22 Rule 3 read with Section 151 CPC to bring on record the LRs of deceased petitioner.

The present petition was also filed by Sh.Gian Chand Jain who has also expired on 16.05.2016. By the present application, the LRs namely, his sons and daughters are sought to be brought on record. The details of the sons and daughters are given in para 2 of the application. The application is

allowed and the said persons as stated in para 2 of the application are impleaded as the petitioners.

RC.REV. 378/2016 & CM No.27665/2016(stay)

The LR's of late Sh.Gian Chand Jain are present in person and their undertakings/statements have been recorded in court.

The LR's have undertaken today in court to vacate the suit property/ shop No.2, Ground Floor of Property No.4774, Deputy Ganj, Sadar Bazar, Delhi- 110006 and hand over vacant physical possession of the same on or before 31.03.2017 to the respondent. The other terms and conditions have also been stated in the undertakings/statements of LR's of deceased petitioner recorded today.

There is only one LR, namely, Ms.Muniya who is not present. The learned counsel submits that Ms.Muniya shall also abide by the undertakings given by LR's of deceased petitioner today and she will file an affidavit to the said effect. The undertakings/statements are taken on record and the LR's of deceased petitioner shall remain bound by the same.

Ms.Muniya shall also file an undertaking in the form of affidavit within one month from today on the same basis as other LR's of deceased petitioner. Ms.Muniya shall be bound by her undertaking.

The learned counsel for the petitioner submits that in view of the above undertakings, the LR's of deceased petitioner do not want to press the present petition.

The learned counsel for the respondent submits that in view of the undertakings, the respondent will not execute the eviction order till 31.03.2017.

Keeping in view the undertakings/statements of the LR's of deceased

petitioner, the present petition is disposed of. All the pending application are also disposed of.

JAYANT NATH, J.

OCTOBER 20, 2016/v

RC.REV. 378/2016

Dated: 20.10.2016

STATEMENT OF SH.KAMLESH JAIN, S/O LATE SH.GIAN CHAND JAIN, R/O AT SHOP NO.2, GROUND FLOOR OF PROPERTY NO.4774, DEPUTY GANJ, SADAR BAZAR, DELHI-110006, AGED ABOUT 59 YEARS, ON SA.

I undertake to this court to vacate the property in question, namely, shop No.2, Ground Floor of Property No.4774, Deputy Ganj, Sadar Bazar, Delhi- 110006 as described by the respondent in the eviction petition and hand over vacant physical possession of the same on or before 31.03.2017 to the respondent.

I admit the bonafide need of the respondent.

I undertake that during the period the property is in our occupation, I shall continue to pay agreed rent, electricity and water charges of the property. I also undertake not to sub-let or cause any wilful damage to the property.

I undertake to the court to abide by the order passed by the court today.

RO&AC

JAYANT NATH, J.

RC.REV. 378/2016

Dated: 20.10.2016

STATEMENT OF SH.REJEEV KUMAR JAIN, S/O LATE SH.GIAN CHAND JAIN, R/O AT SHOP NO.2, GROUND FLOOR OF PROPERTY NO.4774, DEPUTY GANJ, SADAR BAZAR, DELHI-110006, AGED ABOUT 47 YEARS, ON SA.

I undertake to this court to vacate the property in question, namely, shop No.2, Ground Floor of Property No.4774, Deputy Ganj, Sadar Bazar, Delhi- 110006 as described by the respondent in the eviction petition and hand over vacant physical possession of the same on or before 31.03.2017 to the respondent.

I admit the bonafide need of the respondent.

I undertake that during the period the property is in our occupation, I shall continue to pay agreed rent, electricity and water charges of the property. I also undertake not to sub-let or cause any wilful damage to the property.

I undertake to the court to abide by the order passed by the court today.

RO&AC

JAYANT NATH, J.

RC.REV. 378/2016

Dated: 20.10.2016

STATEMENT OF SH.ARUN KUMAR JAIN, S/O LATE SH.GIAN CHAND JAIN, R/O AT SHOP NO.2, GROUND FLOOR OF PROPERTY NO.4774, DEPUTY GANJ, SADAR BAZAR, DELHI-110006, AGED ABOUT 43 YEARS, ON SA.

I undertake to this court to vacate the property in question, namely, shop No.2, Ground Floor of Property No.4774, Deputy Ganj, Sadar Bazar, Delhi- 110006 as described by the respondent in the eviction petition and hand over vacant physical possession of the same on or before 31.03.2017 to the respondent.

I admit the bonafide need of the respondent.

I undertake that during the period the property is in our occupation, I shall continue to pay agreed rent, electricity and water charges of the property. I also undertake not to sub-let or cause any wilful damage to the property.

I undertake to the court to abide by the order passed by the court today.

RO&AC

JAYANT NATH, J.

RC.REV. 378/2016

Dated: 20.10.2016

STATEMENT OF MS.ARCHANA JAIN, D/O LATE SH.GIAN CHAND JAIN, R/O AT SHOP NO.2, GROUND FLOOR OF PROPERTY NO.4774, DEPUTY GANJ, SADAR BAZAR, DELHI-110006, AGED ABOUT 62 YEARS, ON SA.

I undertake to this court to vacate the property in question, namely, shop No.2, Ground Floor of Property No.4774, Deputy Ganj, Sadar Bazar, Delhi- 110006 as described by the respondent in the eviction petition and hand over vacant physical possession of the same on or before 31.03.2017 to the respondent.

I admit the bonafide need of the respondent.

I undertake that during the period the property is in our occupation, I shall continue to pay agreed rent, electricity and water charges of the property. I also undertake not to sub-let or cause any wilful damage to the property.

I undertake to the court to abide by the order passed by the court today.

RO&AC

JAYANT NATH, J.

RC.REV. 378/2016

Dated: 20.10.2016

STATEMENT OF MS.MADHU JAIN, D/O LATE SH.GIAN CHAND JAIN, R/O AT SHOP NO.2, GROUND FLOOR OF PROPERTY NO.4774, DEPUTY GANJ, SADAR BAZAR, DELHI- 110006, AGED ABOUT 53 YEARS, ON SA.

I undertake to this court to vacate the property in question, namely, shop No.2, Ground Floor of Property No.4774, Deputy Ganj, Sadar Bazar, Delhi- 110006 as described by the respondent in the eviction petition and hand over vacant physical possession of the same on or before 31.03.2017 to the respondent.

I admit the bonafide need of the respondent.

I undertake that during the period the property is in our occupation, I shall continue to pay agreed rent, electricity and water charges of the property. I also undertake not to sub-let or cause any wilful damage to the property.

I undertake to the court to abide by the order passed by the court today.

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JAYANT NATH, J.