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

+ RC.REV. 438/2016, CM Nos.21570 & 16884/2016

HAYATUL ISLAM

..... Petitioner

Through Mr.Shaad Anwar, Advocate with
father of the petitioner in person

versus

SHABBIR MALIK

..... Respondent

Through Mr.Kapil Dutta & Mr.Ajjay Arora,
Advocates

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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19.10.2016

Sh.Shahid Husain, father of the petitioner Sh.Hayatul Islam, is present in person along the counsel for the petitioner. The undertaking/ statement of the father of the petitioner has been recorded in court.

Sh.Shahid Husain has undertaken today in court to vacate the suit property/shop No.D-255/3, situated in Avantika, Sector-1, Rohini, Delhi-110085 and to hand over vacant physical possession to the respondent on or before 31.12.2017. The other terms and conditions have also been stated in the undertaking/statement of Sh.Shahid Husain recorded today. Sh.Shahid Husain submits that his son Sh.Hayatul Islam shall also abide by the undertaking given by him today and he will file an affidavit to the said effect. The undertaking/ statement is taken on record and the father of the petitioner shall remain bound by the same.

Sh.Hayatul Islam (the petitioner) shall also file an undertaking in the

form of affidavit within ten days from today on the same line as his father Sh.Shahid Husain has given today in court. Sh.Hayatul Islam shall be bound by his undertaking.

The learned counsel for the petitioner submits that in view of the above undertaking, the petitioner does 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 31.12.2017, subject to filing of undertaking by Sh.Hayatul Islam, the petitioner within ten days from today.

Keeping in view the undertaking/statement of the father of the petitioner, the present petition is disposed of.

JAYANT NATH, J.

OCTOBER 19, 2016/v

STATEMENT OF SH.SHAHID HUSAIN, S/O LATE SH.SHOKAT HUSAIN, R/O AT SHOP NO.255/3, AVANTIKA SECTOR-1, ROHINI, DELHI -110085, AGED ABOUT 59 YEARS, ON SA.

I undertake to this court to vacate the property in question, namely, shop in my occupation in property. No.D-255/3, situated in Avantika, Sector-1, Rohini, Delhi-110085 as described by the respondent in the eviction petition and shall hand over vacant physical possession of the same on or before 31.12.2017 to the respondent. I undertake that my son shall also do the same by 31.12.2017.

I admit the bonafide need of the respondent.

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

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

RO&AC

JAYANT NATH, J.