

\$~5

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

+ **RC.REV. 134/2016**

PARVEEN KUMAR WADHWA & ORS Petitioners
Through: **Ms. Shalini Kapoor, Adv.**

Versus

RAM MEHAR TYAGI & ORS Respondents
Through: **Mr. Anil Sharma and Mr. Jaskaran Singh, Adv.** with R-1(g) & 2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

09.11.2017

CM No.39657/2017 (of petitioners for grant of time to vacate the premises)

1. The Advocate for respondents along with the respondent No.1(g) Mr. Gaurav Tyagi appear in response to the notice ordered to be issued.
2. The counsel for the petitioners/applicants states that the petitioners/applicants are now desirous of only one year's time to vacate the premises and seeks payment of compensation for the said period at the same rate at which compensation was directed to be paid during the pendency of this petition.
3. The order of eviction impugned in the present petition became executable on 22nd June, 2016. A period of about one and a half years has already elapsed.

4. Mr. Gaurav Tyagi, Advocate, one of the respondents and his uncle, a medical practitioner and on whose requirement eviction has been ordered, express urgency but for the sake of finality, they have been prevailed upon. They however state that the property is capable of fetching rent of Rs.1,50,000/- per month.

5. All the petitioners/applicants, undertake to this Court:

(i) to hand over vacant, peaceful physical possession of the premises with respect to which order of eviction has been passed, to the respondents/non-applicants, on or before 31st October, 2018;

(ii) to, with effect from the month of December, 2017 and till the month of vacation of the premises on or before 31st October, 2018, pay to the respondents/non-applicants use and occupation charges @ Rs.40,000/- per month, month by month, in advance for each month by the 10th day of English Calendar month;

(iii) to clear the electricity and water dues of the premises till the date of occupation thereof, before leaving the premises; and,

(iv) to, hereinafter, not induct any other person into possession of the premises and to not damage the premises.

6. The aforesaid undertakings of the petitioners/applicants are accepted and the petitioners/applicants/their legal representatives are ordered to be bound therewith.

7. The petitioners/applicants have been explained the consequences of breach of undertaking given to this Court.

8. It is made clear that in the event of the petitioners/applicants/their legal representatives being in breach of the undertaking or any part thereof, the respondents/non-applicants, besides initiating proceedings against the petitioners/applicants/their legal representatives for breach of undertaking given to this Court, shall also be entitled to forthwith execute the order of eviction.

9. The application is disposed of.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 09, 2017

bs..