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

+ **RC.REV. 279/2017**

VEER SAIN JAIN (DECEASED) THROUGH LRS Petitioner

Through: Mr. Pawan Bahl and Mr. Bharat Deep Singh, Advs.

Versus

RAMESH KUMAR JAIN & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 27.10.2017

CM No.38396/2017 (of petitioner u/S 151 CPC)

1. This application has been filed for reduction of the damages/use and occupation charges which the petitioner has vide order dated 18th September, 2017 been directed to pay.
2. The counsel for the respondents appears on advance notice.
3. During the hearing of the application, it has transpired that the Rent Control Revision Petition, in which this application has been filed, itself can be disposed of.
4. The application is disposed of.

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5. The aforesaid Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 was preferred impugning the judgment [dated 17th March, 2017 in RC/ARC No.599/2016 of the Court of Rent Controller, Shahdara, Karkardooma Courts, Delhi] of eviction of the petitioners, after full trial, from one shop on the ground floor of property No.995/85 (Old) New IX/2316, Street No.11, Kailash Nagar, Delhi.

6. Notice of the petition was ordered to be issued and the Trial Court record requisitioned. Vide order dated 18th September, 2017, the petitioners were directed to pay compensation @ Rs.20,000/- per month to the respondents as a condition for grant of stay of the order of eviction.

7. The counsel for the petitioners today states that the petitioners withdraw this Rent Control Revision Petition and do not want to press the same and/or to challenge the order of eviction impugned in the petition and will abide by the same and only seek time till 31st October, 2018 to vacate the premises from which the petitioners have been ordered to be evicted.

8. The counsel for the respondents opposes, expressing urgency.

9. However, the counsel for the respondents has been persuaded, reasoning that the hearing of the petition itself is scheduled for 26th March, 2018.

10. The counsel for the petitioners states that the petitioners are in control and possession of the entire premises from which they have been ordered to be evicted and are in a position to give undertaking in the usual form to this Court.

11. The petitioners through advocate and of whom petitioner No.4 Deepak Jain is present in Court 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, on or before 31st October, 2018;

- (ii) to, with effect from the month of October, 2017 and till the month of vacation of the premises on or before 31st October, 2018, pay to the respondents use and occupation charges @ Rs.8,000/- per month, month by month, in advance for each month by the 10th day of English Calendar month;
- (iii) to pay the charges for the month of October, 2017 along with charges for the month of November, 2017;
- (iv) to clear the electricity and water dues of the premises till the date of occupation thereof, before leaving the premises; and,
- (v) to, hereinafter, not induct any other person into possession of the premises and to not damage the premises.

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

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

12. I have otherwise satisfied myself that the order of the Rent Controller impugned in this petition is in accordance with law.

13. The petition is accordingly dismissed as withdrawn; however subject to the petitioners/tenants complying with their undertaking aforesaid, the order of eviction is made inexecutable till 31st October, 2018.

14. It is made clear that in the event of the petitioners/tenants/their legal representatives being in breach of the undertaking or any part thereof, the

respondents/landlords, besides initiating proceedings against the petitioners/tenants/their legal representatives for breach of undertaking given to this Court, shall also be entitled to forthwith execute the order of eviction.

15. No costs.

16. The date of 26th March, 2018 is cancelled.

RAJIV SAHAI ENDLAW, J.

OCTOBER 27, 2017

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