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

+ **RC.REV. 579/2016**

RAMESH CHAND (BAJE WALE) Petitioner

Through: Mr.R.S.Sharma, Advocate with
petitioner in person.

versus

VIMLA DEVI AND ORS Respondent

Through: Ms.Shalini Kapoor, Mr.Dikshant
Khanna and Ms.Ruhini Dey,
Advocates with respondent No.1 in
person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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18.04.2017

CM No.44887/2016

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

CM No.44888/2016

1. For the reasons stated in the application, 14 days' delay in re-filing the petition is condoned.
2. Application is disposed of.

RC.REV. 579/2016

1. The present revision petition has been filed by the petitioner impugning the order judgment dated 4th July, 2016 passed by the learned ARC in Eviction Petition No.231/15 whereby the application for grant of leave to defend moved by the petitioner herein was dismissed and

consequently, the eviction order was passed.

2. Learned counsel for the respondents submits that the statutory period of six months as per provisions of Section 14(7) of Delhi Rent Control Act to vacate the suit premises has already expired. Learned counsel for the respondents, on instructions, submits that if the petitioner undertakes to vacate the suit premises within six months, the respondents are inclined to grant him six months time without charging any rent from him.

3. Petitioner is present in person alongwith his counsel and submits that one year time may be granted to him to vacate the suit premises. He further submits that he undertakes to vacate the suit premises on or before 17th April, 2018 and till then instead of ₹200/- per month which is being paid at present, he will pay rent @ ₹400/- per month till the vacant possession of the suit premises is handed over to the respondents herein.

4. Respondent No.1 is present in person alongwith her counsel. Learned counsel for the respondents, on instructions, submits that if the petitioner continues paying rent @ ₹400/- per month and vacates the suit premises on or before 17th April, 2018, the respondents shall not execute the decree till 4th July, 2016.

5. Learned counsel for the petitioner seeks passover to file the undertaking of the petitioner to the above effect.

6. Let the matter be taken up after some time.

PRATIBHA RANI, J.

APRIL 18, 2017/ 'st'

12.15 PM

Present : As above.

1. Learned counsel for the petitioner has filed the undertaking of the

petitioner to the above effect.

2. Respondent No.1 has also filed her affidavit mentioning therein that she and her sons, who are respondents No.2 and 3 herein, agree to the terms and conditions of the undertaking given by the petitioner and that she as well as her sons (respondents No.2 and 3) will not execute the decree dated 4th July, 2016 till 17th April, 2018.

3. Learned counsel for the petitioner submits that in view of the above, he may be permitted to withdraw the present petition.

4. Accordingly, the revision petition is dismissed as withdrawn.

5. Parties shall be bound by their respective undertaking/affidavit filed to today in the Court. However, it is made clear that if the petitioner fails to pay the rent or vacate the suit premises till 17.04.2018, the respondents may execute the decree dated 4th July, 2016.

6. As prayed, copy of the order be given dasti to learned counsel for the parties.

CM No.44886/2016

Dismissed as infructuous.

PRATIBHA RANI, J.

APRIL 18, 2017

'st'