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

+ RC.REV. 383/2017 & CMs No.30380/2017 (for stay) & 30383/2017
(for condonation of 15 days delay in re-filing)

MAYA KAUR

..... Petitioner

Through: Ms. Amrit Kaur Oberai, Adv. with
Mr. Jaswinder Singh, son of petitioner
in person.

Versus

SANJIV GUPTA

..... Respondent

Through: Mr. Prashant Mendiratta, Mr.
Harshvardhan Pandey and Ms.
Malvika Choudhary, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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25.09.2017

1. This order is in continuation of the earlier order dated 25th August, 2017.
2. Mr. Jaswinder Singh son of the petitioner present in Court states that he seeks three years' time to vacate the premises.
3. The counsel for the respondent states that the petitioner/her son have already purchased rear portion of the shop of which order of eviction has been passed as well as another shop in the locality and the petitioner has no need for any time and is seeking time to vacate only to harass the respondent.
4. The counsel for the respondent on further enquiry states that the letting value of the shop from which the petitioner has been ordered to be evicted is Rs.1,25,000/- per month.

5. Mr. Jaswinder Singh, on enquiry, states that the prevalent letting value of the shop would be Rs.5,000/- to Rs.10,000/- per month.
6. The counsel for the respondent states that subject to the petitioner vacating the premises on or before 22nd November, 2017, the respondent is willing to pay to the petitioner @ Rs.15,000/- per month for six months.
7. The offer is not agreeable to counsel for Mr. Jaswinder Singh.
8. In the aforesaid circumstances, time upto 30th June, 2018 is given to the petitioner to vacate the premises but on the condition of the petitioner paying compensation to the respondent @ Rs.30,000/- per month.
9. Mr. Jaswinder Singh is not agreeable thereto.
10. In this view of the matter, no time can be given. The petitioner has already withdrawn this Rent Control Revision Petition and the petition is dismissed as withdrawn.
11. At this stage, Mr. Jaswinder Singh states that time upto 30th June, 2018 be given and he will pay compensation with effect from the month of December, 2017 and till the month of vacation of the premises on or before 30th June, 2018 @ Rs.30,000/- per month to the respondent.
12. Mr. Jaswinder Singh, on enquiry, further states that he is in exclusive control and possession of the entire premises with respect to which order of eviction has been passed and in a position to give undertaking in usual form to the Court.
13. At this stage, the counsel for the petitioner states that the petitioner is unable to pay Rs.30,000/- per month.
14. Thus, the order of withdrawal of this petition remains.

15. However, at this stage, the counsel for the petitioner states that the undertaking of Mr. Jaswinder Singh, son of petitioner be recorded to pay the compensation @ Rs.30,000/- per month.

16. The petitioner through her son and power of attorney holder Mr. Jaswinder Singh and as identified by her advocate, undertakes to this Court to:

- (i) hand over vacant peaceful physical possession of the premises with respect to which order of eviction has been passed, to the respondent, on or before 30th June, 2018;
- (ii) with effect from the month of December, 2017 (when the order of eviction will become executable) till the month of vacation of the premises on or before 30th June, 2018 pay to the respondent use and occupation charges @ Rs.30,000/- per month, month by month, in advance for each month by the 10th day of English Calendar month;
- (iii) clear the electricity and water dues of the premises till the date of occupation thereof, before leaving the premises; and,
- (iv) hereinafter, not induct any other person into possession of the premises and to not damage the premises.

17. The aforesaid undertakings of the petitioner/her son are accepted and the petitioner/her son are ordered to be bound therewith.

18. The petitioner/her son have been explained the consequences of breach of undertaking given to this Court.

19. I have otherwise satisfied myself that the order of the ARC impugned in this petition is in accordance with law.

20. The petition is accordingly dismissed as withdrawn; however subject to the petitioner/her son complying with the undertakings aforesaid, the order of eviction is made inexecutable till 30th June, 2018.

21. It is made clear that in the event of the petitioner/her son being in breach of the undertaking or any part thereof, the respondent, besides initiating proceedings against the petitioner/her son for breach of undertaking given to the Court, shall also be entitled to forthwith execute the order of eviction.

12. No costs.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 25, 2017

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