

\$~7

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

+ RC.REV. 382/2016 & CM Nos. 28341/2016, 43180/2016,  
14599/2017

BISHAMBAR DAYAL & ORS

..... Petitioners

Through: Ms. Shalini Kapoor, Mr. Dikshant  
Khanna & Ms. Ruhini Dey, Adv.

versus

MULAK RAJ & ORS

..... Respondents

Through: Mr. M. Salim, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

% **19.01.2018**

On 10<sup>th</sup> August, 2016, it was clarified on behalf of the petitioners that all that they were seeking was time to vacate the premises. Notice was issued on this limited aspect to the respondents. The eviction petition on which the impugned order was passed was instituted on 13.09.2011, the eviction order itself was granted by the Additional Rent Controller on 09.02.2016. Almost two years are coming to an end thereafter. The petitioners are seeking enlargement of time to vacate.

After some hearing, the counsel on both sides, on instructions from their respective clients, submit that both the parties have agreed that the revision petition against eviction order may be dismissed as withdrawn and the petitioners, may be permitted to continue to be in use and occupation and

hand over the vacant and peaceful possession of the demised premises on or before 30<sup>th</sup> June, 2018, subject to the conditions that they would furnish an undertaking to the satisfaction of the Rent Controller within ten days hereof to the effect that they would not create a third party interest in the demised premises during the period they remain in their possession and use; that they would pay the arrears of rent, if any, within the same period and continue to pay the user / occupation charges at the same rate as of the settled rent month by month during the said period; that they would continue to pay the electricity and water charges or any other charges to be borne by them periodically; and that they would hand over the vacant and peaceful possession of the premises on or before the date specified above. Ordered accordingly.

Subject to strict and scrupulous compliance with the undertaking, the enforcement of the eviction order shall remain in abeyance till the above-mentioned date. It is, however, made clear that in case of any default in furnishing the undertaking or complying with the terms and conditions settled above, the eviction order will become executable immediately.

The petition and the pending application stand disposed of in above terms.

**R.K.GAUBA, J**

**JANUARY 19, 2018**

Nk

RC.REV. 382/2016

page 2 of 2