

CM No. 17921-CII of 2017 in/and
Civil Revision No. 3670 of 2011 (O&M)

Date of decision : September 26, 2019

Dr. Atul Kochar

.....Petitioner

Versus

Rashmo Devi

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Alok Kumar Jain, Advocate
for the petitioner.

Ms. Shivya Sehgal, Advocate
for the applicant-respondent.

LISA GILL, J.

Prayer in the application is for grant of mesne profits at the rate of ₹10,000/- per month to the applicant-respondent.

The petitioner as well as the respondent, duly identified by their counsel, are present in court. The parties alongwith their counsel have conferred amongst each other. It is informed that the parties have amicably resolved the entire dispute between themselves. It is agreed that the petitioner shall be permitted to retain the premises till 31.10.2020 on payment of the contractual rent, he is already paying i.e. at the rate of ₹500/- per month and the petitioner, on the other hand, undertakes to hand over vacant, peaceful possession of the demised premises on or before 31.10.2020. Respondent – landlord in view thereof has agreed to withdraw her application seeking mesne profits.

CM No. 17921-CII of 2017 is, accordingly, dismissed as withdrawn.

At request of learned counsel for the parties, revision petition which stands admitted is taken on Board and taken up for hearing today itself.

Learned counsel for the petitioner submits that in view of the settlement arrived at between the parties, the petitioner does not press the revision petition on merits but seeks permission to retain the premises till 31.10.2020.

In the facts and circumstances of the case especially the specific stand of the parties, this revision petition is dismissed as not pressed. However, the petitioner is permitted to retain possession of the demised property till 31.10.2020, subject to the petitioner submitting a specific undertaking before the learned Executing Court/Rent Controller, within fifteen (15) days of receipt of certified copy of this order, to the effect that vacant, peaceful possession of the premises in question shall be handed over by him to the respondent – landlord on or before 31.10.2020 and that he shall clear the arrears of rent, if any, within four weeks and shall continue to pay the rent by the 10th of each calendar month till 31.10.2020.

In case, the said undertaking is not submitted within a period of fifteen (15) days from the date of receipt of certified copy of this order or in case of any violation of the aforesaid terms the landlord shall be entitled to seek eviction of the petitioner from the demised premises forthwith, with police help and without recourse to any other remedy, besides the petitioner – tenant making himself liable to contempt proceedings.

September 26, 2019
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No