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

+ RC.REV. 350/2019

M/S HITKARI SABUN UDYOG & ORS

..... Petitioners

Through Mr. Jagmohan Singh, Adv. with Mr.
Vijay Madan, son of AR of the
petitioner.

versus

M/S DINANATH HARDAYAL MAL (HUF) Respondent

Through Ms. Zubeda Begum, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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12.09.2019

Crl. M.A. 39586/2019 (modification of order dated 09.08.2019)

1. By this application, the petitioner seeks modification of order dated 09.08.2019 whereby the terms of undertaking to vacate were recorded.
2. Learned counsel for the petitioner submits that the petitioner had undertaken to pay use and occupation charges from 31.12.2018 @ Rs. 20,000/- per month and from 01.01.2020 @ Rs. 35,000/- per month till he vacates the premises on or before 08.08.2020.
3. Learned counsel submits that while recording the statement on account of a typographical error it has been recorded that he shall pay use and occupation charges @ Rs. 35,000/- per month from January, 2018.
4. Learned counsel for the petitioner further submits that immediately on receipt of copy of the order a message was sent to the respondent bringing to his notice, the error that had crept in the order.

5. Learned counsel for the respondent submits that without prejudice to the rights and contentions, she has no objection to the order being modified to the aforesaid extent as prayed by the petitioner.
6. In view of the above, order dated 09.08.2019 is modified to the extent that petitioner shall pay use and occupation charges @ Rs. 20,000/- per month from 01.12.2018 till 31.12.2019 and thereafter @ Rs. 35,000/- per month from 01.01.2020 till 08.08.2020 or till the date on which he vacates the tenancy premises, whichever is earlier. Rest of the terms and conditions of the undertaking shall remain the same.
7. The petitioner shall file an affidavit in terms of order dated 09.08.2019 as modified today within a period of two weeks from today.
8. On petitioner filing the undertaking in the aforesaid terms, execution of order dated 16.11.2018 shall remain stayed till 08.08.2020.
9. The application is disposed of in the above terms.
10. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 12, 2019
‘rs’