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

+ **RC.REV. 163/2020**

MATADOR THREAD HOUSE (INDIA) Petitioner
Through **Mr. Sanjay Aggarwal and Mr.**
Hemant Aneja, Advs.

versus

SMT. PREM LATA Respondent
Through **Mr. Rajat Aneja, Advocate.**

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **14.07.2020**
(Video Conference Hearing)

CM APPL. 14902/2020 (for early hearing)

It is an application seeking early hearing of the petition. Allowed. The matter is taken up for hearing today itself, as prayed. The date earlier fixed for 21.07.2020 stands cancelled. The application stands disposed of accordingly.

CM APPL. 14105/2020 (Exemption)

It is an application seeking exemption from filing certified copies, legible copies etc. Allowed, subject to just exceptions. The application stands disposed of accordingly.

RC.REV. 163/2020 & CM APPL. 14104/2020 (for stay)

During the course of hearing, ld. counsel for the revisionist submits that he has instructions to not to press the revision but for praying for some time being granted to the petitioner to vacate and handover the peaceful

vacant possession of the premises subject matter of the revision petition to the respondent – the owner/landlady. On the given aspect, Mr. Aneja comes forward to join Mr. Aggarwal for grant of time to the petitioner to handover the peaceful vacant possession of the subject premises to the respondent on or before 31.05.2021 subject to the petitioner furnishing an undertaking to the Court by way of an affidavit to the following effect:

- (i) The petitioner shall handover the peaceful vacant possession of the premises subject matter of the revision petition to the respondent on or before 31.05.2021;
- (ii) In the event, the petitioner hands over the peaceful vacant possession of the premises to the respondent on or before 31.05.2021, the petitioner's liability to pay the user/damages charges would be Rs.5,000/- (Rupees five thousand only) per month from the date of the passing of the impugned eviction order till 31.05.2021 on month to month basis, the arrears till now being payable within four weeks from today;
- (iii) In the event, the petitioner fails to handover the peaceful vacant possession of the premises to the respondent on or before the 31st May, 2021, the stipulation of payment of user and occupation charges @ Rs. 5,000/- per month in terms of the afore-going clause (ii) shall get lifted and the respondent shall be entitled to the user and occupation charges in consonance with the ratio of *Atma Ram's case* besides initiation of contempt of court proceedings for violation of the undertaking given to the Court;
- (iv) The petitioner shall remain bound by the foregoing stipulations

and furnish an undertaking in the foregoing terms by way of a duly attested affidavit within a week of the resumption of regular functioning of the Court inasmuch as the Court is closed on account of the prevailing conditions on account of COVID-19 pandemic; and

- (v) The petitioner shall make payment of the dues towards electricity and water charges regularly meantime and shall ensure that there is no outstanding towards electricity and water charges till the time of handing over of possession of the premises to the respondent.

Subject to the petitioner fulfilling the foregoing stipulations and furnishing the undertaking to the court in the terms thereof, the operation of the impugned eviction order dated 14.01.2020 shall remain stayed till 31.05.2021. The petition & the pending applications stand disposed of accordingly.

A. K. CHAWLA, J

JULY 14, 2020

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