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

% *Date of Decision: 21st December, 2022*

+ RFA 322/2022 & C.M. APPL. 32177-79/2022

SH. SUBHASH CHAND JAIN & ANR. Appellants

Through: Mr. Ankit Tandan, Advocate
with Appellant No.1-in-person.

versus

SMT. SAVITA DEVI & ANR. Respondents

Through: Counsel (appearance not given)
with Respondents-in-person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present appeal has been filed against the impugned judgment and decree dated 04.12.2021, whereby two applications, one under Order 39 Rule 10 CPC and the other under Order XII Rule 6 CPC, filed by the Plaintiffs before the Trial Court, have been allowed and the Trial Court has decreed the suit in favour of the Plaintiffs and against the Defendants.

2. Learned counsel appearing on behalf of the Appellants, on instructions from Appellant No. 1, who is present in Court *albeit* through video conferencing, submits that Appellants shall hand over vacant and peaceful possession of the suit property to the Respondents on or before 20.03.2023. Appellants also undertake that all the arrears of rent, payable to the Respondents, commencing from May, 2019 till date shall be paid within a period of two months from today. Insofar as the rent for the period 21.12.2022 till 20.03.2023 is concerned, the rent shall be paid in advance on or before 15.01.2023.

3. At this stage, learned counsel for the Respondents submits that Respondents are old and ailing and the Appellants are causing immense physical and mental harassment to them and therefore, directions be issued that the Appellants shall not cause any kind of harm or harassment till they are in possession of the suit property, as undertaken in the Court.
4. I have heard the learned counsels for the parties.
5. In view of the undertaking and assurance given to the Court, as aforementioned, Appellants are permitted to continue in possession of the suit property till 20.03.2023, subject to the Appellants filing an affidavit of undertaking in the aforesaid terms, within a period of two working weeks from today.
6. It is directed that the Appellants shall not harass the Respondents in any manner, whatsoever, till they continue in possession of the suit property.
7. Appeal along with pending applications is disposed of in the aforesaid terms.

JYOTI SINGH, J

DECEMBER 21, 2022/rk