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

+ RSA 68/2019 & CM APPL. 15423/2024 CM APPL. 3232/2024 CM
APPL. 10082/2024 CM APPL. 10083/2024 CM APPL. 10084/2024
RAM PHAL & ORS Appellants

Through: Mr. Rahul Tomar and Mr. Abhishek
Shrivastava, Advocates for Mr. Gyan
Chand, Appellant No. 3 and his wife
Mrs. Rajni.

versus

SHASHI GARG & ANR Respondents

Through: Mr. Nagender Yadav, Advocate with
Mr. Ashok Garg, AR of Respondents

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **13.03.2024**

CM APPL. 15423/2024

1. Learned counsel for the Appellants/Applicants states that the House no. 10429 to 10432, Gali Pathsala Wali, Ram Nagar, Manakpura, Delhi ('suit property') is under the occupation of 11 individuals whose details are set out in paragraph no. 2 of this application.
2. He states that affidavit of undertaking in terms of the order dated 26th February, 2024, has been filed on behalf of the said individuals listed at serial no. 1 to serial no. 10. He states that the individuals listed at serial no. 11 is a minor child and she is under the care and custody of Appellant No. 3, Mr. Gyan Chand and his wife, Mrs. Rajni. He states that they as well have filed their undertaking affidavit(s) and since the minor child is under their care, she as well will vacate the suit property along with them.
3. Issue Notice. Learned counsel for Respondents accept notice.



4. Learned counsel for the Respondents states that he has perused the undertaking affidavit(s) and is satisfied with contents thereof. He states that the Respondents accept the terms and conditions set out in the order dated 26th February, 2024. He states that in view of the undertaking affidavit(s) furnished, the Respondents will seek an adjournment in the execution proceedings for a date after 31st August, 2024 and in the event, the applicants comply with the undertaking, he will have the execution proceedings disposed of as satisfied. The said statement is taken on record.

5. Accordingly, the undertaking affidavit(s) furnished by the 10 individuals are taken on record and they are bound down to their respective undertaking affidavit(s). The Respondents as well are bound down to the statement made before this Court in the order dated 26th February, 2024. In case of default by the Applicants/Appellants in complying with the undertaking, the Respondent will be at liberty to execute the decree of possession and mesne profits. In addition, the Applicants/Appellants will be liable for contempt for breach of the undertaking.

6. Accordingly, CM APPL. 15423/2024 stands allowed.

CM APPL. 10082/2024 CM APPL. 10083/2024 CM APPL. 10084/2024

7. CM APPL. 10082/2024 is an application filed by the legal representatives of Appellant No. 1 and Appellant No. 2.

8. Issue notice. Learned counsel for the Respondents accepts notice. He states in view of the undertaking furnished by the legal representatives which form part of CM APPL. 15423/2024, he has no objection, if this application is allowed.

9. Accordingly, CM APPL. 10082/2024 along with CM APPL. 10083-84/2024 are allowed. The delay in filing is condoned.



RSA 68/2019

10. The appeal stands disposed of in terms of the undertaking given by the Appellants. All pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J

MARCH 13, 2024/hp