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

+ **RC.REV. 133/2024**

RAJENDER SINGH

.....Petitioner

Through: Mr. Satish Sharma, Adv. with
Petitioner in-person

versus

MOTI LAL JAIN (DECEASED) THROUGH LRSRespondent

Through: Mr. Rohit Goel, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

23.12.2024

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CM APPL. 75675/2024 [*Early hearing*]

1. This is an Application seeking early hearing in the matter.
2. Learned Counsel for the Petitioner submits that the warrants of possession have already been issued by the learned Trial Court. A copy of the order dated 06.12.2024 has been annexed alongwith a copy of the Application.
3. Issue Notice.
- 3.1 Learned Counsel for the Respondent accepts Notice.
4. For the reasons as stated in the Application, the same is allowed and the matter is taken up for hearing today.

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5. The Petitioner is physically present before the Court.
6. After some arguments, learned Counsel for the Petitioner/tenant submits that the Petitioner is agreeable to vacate the property bearing no. G-1/2, Lawrence Road, Industrial Area, Opposite Hanuman Dharamkanta, Delhi-110065 [hereinafter after to as 'subject premises']. For this purpose, he requests for some additional time i.e. till 14.02.2025 to vacate the subject



premises.

7. In lieu of the early vacation of the subject premises, the learned Counsel for the Respondent/landlord, on instructions from the Respondent/landlord, submits that the Respondent/landlord agree to forego all claims for user charges and damages.

8. In view thereof, let an Undertaking by way of an Affidavit be filed by the Petitioner/tenant on or before 08.01.2025, undertaking that:

(i) The Petitioner/tenant shall hand over the physical possession of the premises i.e., property measuring about 432 sq.yds. bearing No. No.G-1/2, Lawrence Road, Industrial Area, Opposite Hanuman Dharamkanta, Delhi-110065, [hereinafter referred to as “subject premises”];

(ii) The vacant, physical and peaceful possession of the subject premises will be handed over by the Petitioner/tenant to the Respondent/landlord on or before 14.02.2025;

(iii) The Petitioner/tenant undertakes and confirm that the entire subject premises is under his occupation and control;

(iv) The Petitioner/tenant will pay all the utility bills such as electricity and water and any other dues, for the subject premises till the date of handing over of the vacant, physical and peaceful possession thereof;

(v) The Petitioner/tenant undertakes that he will not create any third-party rights or part with possession of the subject premises and that he shall not damage the subject premises in any manner whatsoever prior to its vacation;

(vi) The Petitioner/tenant shall remain bound by the aforesaid Undertaking.

9. An advance copy of the Undertaking shall be served on the Respondent/landlord.



10. Subject to the Petitioner/tenant filing the aforesaid undertaking before the Court on or before 08.01.2025, execution of order dated 30.11.2023 shall remain stayed.
11. In the event that the Petitioner/tenant defaults in complying with the terms of the Undertaking filed, the interim protection granted by this Court shall automatically stand dissolved and Respondents/landlords will be at liberty to take recourse to appropriate proceedings for recovery of possession and for recovery of the use and occupation charges from the Petitioner/tenant as agreed, in accordance with law.
12. The present Petition is disposed of, in the foregoing terms.
13. List the matter for compliance on 21.01.2025.
14. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

DECEMBER 23, 2024/pa/jn

Click here to check corrigendum, if any