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

+ **RC.REV. 244/2023**
SADAT HUSSAIN

..... Petitioner

Through: Mr. Mohd. Anis Ur Rehman and Mr.
Afsar Nabi along with petitioner No.1
in person

versus

MST. TAHOORA KAWAJA

..... Respondent

Through: Mr. Deepak Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **23.01.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

**CM APPL. 45754/2023 (exemption), CM APPL. 45756/2023 (exemption
from filing of entire TCR)**

1. Allowed, subject to just exceptions.

RC.REV. 244/2023 & CM APPL. 45755/2023 (stay)

2. On 04.09.2023, after part arguments counsel for petitioner/tenant on instructions sought additional time to vacate the subject premises, so the predecessor bench issued limited notice qua the time to be granted to vacate. Thereafter, on the next date i.e., 10.10.2023, the court was not held as the learned Judge was on leave. Thereafter, the respondent filed early hearing application, which was disposed of posting the matter for today (the date already fixed).

3. It is submitted by counsel for respondent/landlord that execution proceedings are already pending as there was no stay.



4. Both sides submit that the petitioner/tenant may be granted two months to vacate the subject premises. The petitioner no.1, Sadat Hussain is present in Court and undertakes to vacate the subject premises within two months from today. And in that regard, petitioner no.1 as well as his counsel has counter-signed this order sheet.

5. In view of the aforesaid, learned counsel for petitioners on instructions seeks permission to withdraw this petition. Accordingly, the present petition and pending applications are dismissed as withdrawn, directing that till 25.03.2024, the impugned eviction order shall not be executed, but in case the petitioners do not vacate the subject premises by 25.03.2024, execution of the impugned eviction order shall be carried out.

GIRISH KATHPALIA, J

JANUARY 23, 2024/rk

Click here to check corrigendum, if any