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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 51/2024**

ANJU KHANNA & ANR. Petitioner

Through: Mr Rajiv Raheja, Adv.
versus

M.M.L. KAPUR Respondent

Through: Mr Jai Sahai Endlaw, Mr Rajbir
Singh and Mr Zubin John, Advs.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **15.02.2024**

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

**CM APPL. 9180/2024 (exemption) & CM APPL. 9181/2024 (exemption
from filing entire TCR)**

1. Allowed, subject to just exceptions.

CM APPL. 9182/2024 (delay of 45 days in re-filing)

2. Learned counsel for respondent submits that he has no objection if the delay of 45 days in re-filing this petition after curing the registry defects is condoned. Accordingly, the application is allowed.

CM APPL. 9183/2024 (under Order XXII Rule 3 CPC)

3. Learned counsel for respondent submits that he has no objection to this application brought under Order XXII Rule 3 CPC, to substitute the petitioner no.2 (respondent no.2 before the Trial Court) with his legal representatives, being allowed. The application is accordingly allowed and the petitioner no.2 is substituted with his legal representatives. The memo of parties dated 02.02.2024 is taken on record.

RC.REV. 51/2024 & CM APPL. 9179/2024 (stay)

4. Preliminary arguments partly heard. In the course of arguments,



learned counsel for respondent referred to a judgment dated 03.01.2024 of the predecessor bench in revision proceedings between the present respondent and another tenant pertaining to a different portion of the same premises. In the said judgment, the arguments of the tenant, which are same as in the present case, were rejected. At that stage, learned counsel for petitioners sought a pass over to obtain instructions from his clients as regards time required by them to vacate the subject premises.

5. After pass over, learned counsel for petitioners on instructions from his clients stated that they shall vacate the subject premises on or before 30.06.2024. Learned counsel for respondent on instructions expressed consent for the same.

6. As further discussed by both sides, the respondent may file execution proceedings but it is directed that the bailiff shall not evict the petitioners from the subject premises till 01.07.2024. In case the petitioners do not vacate the subject premises by 30.06.2024, the bailiff may in accordance with law carry out execution of the impugned eviction order.

7. In these circumstances, learned counsel for petitioners seeks permission to withdraw this petition. Accordingly, the present revision petition is dismissed as withdrawn.

8. A copy of this order be given *dasti* to both sides to ensure compliance.

GIRISH KATHPALIA, J

FEBRUARY 15, 2024/R.Y

Click here to check corrigendum, if any