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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RC.REV. 321/2024 & CM Appl.65928/2024

SANJAY SANKHLA

.....Petitioner

Through: Mr. Bheem Sharma, Adv. with
Petitioner in person.

versus

MAMTA VYAS

.....Respondent

Through: Mr. Sandeep Saini, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

04.12.2024

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1. The Petitioner is physically present in the Court today.
2. Learned Counsel for the Respondent enters appearance and submits that the Impugned order was passed on 06.06.2024 by the learned Trial Court and six months would expire on 06.12.2024.
3. Learned Counsel for the Petitioner submits that since the Impugned Order was amended by the learned Trial Court on 10.07.2024, he requests for time up to 10.01.2025 to vacate the subject premises.
4. Learned Counsel for the Respondent, on instructions from the Respondent, submits that this is agreeable to the Respondent.
5. In view thereof, let an Undertaking by way of an Affidavit be filed by the Petitioner, within three days undertaking that:
 - (i) The Petitioner shall hand over the physical possession of the premises i.e., property bearing no. 122/B, 2nd Floor, CSP, East of Kailash, New Delhi-110065 [hereinafter referred to as "subject premises"] on or before 10.01.2025;
 - (ii) The Petitioner undertakes and confirms that the entire subject



premises are under their occupation and control;

(iii) The Petitioner 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;

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

(v) The Petitioner shall remain bound by the aforesaid Undertaking.

6. An advance copy of the Undertaking shall be served on the Respondent.

7. Subject to the Petitioner filing the foregoing Undertaking before this Court within three days from today, execution of the Impugned Order dated 06.06.2024 passed in RC ARC 9/2024 [hereinafter referred to as the "Eviction Order"] shall be kept in abeyance until 10.01.2025.

8. In the event that the Petitioner defaults in complying with the terms of the Undertaking filed, the interim protection granted hereinabove shall automatically stand dissolved and Respondent will be at liberty to take recourse to appropriate proceedings for recovery of possession from the Petitioner, in accordance with law.

9. Learned Counsel for the Respondent is also at liberty to file appropriate proceedings for recovery of rental/user and occupation charges in accordance with law.

10. In view of the foregoing discussion, the Petition and pending Application is accordingly disposed of.

11. List for compliance on 19.12.2024.



12. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

DECEMBER 4, 2024/r

Click here to check corrigendum, if any