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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA(COMM) 545/2024, CM APPL. 73712/2024 –Stay.

CM APPL. 73713/2024 –Ex.

M/S GIR MOVERS PVT. LTD. & ANR.

.....APPELLANTS

Through: Mr. Ashwani Kumar, Miss Iti Sharma, Mr. Puneet Sharma and Mr. Aryan Jha, Advs.

versus

PAWAN SINGHAL

.....RESPONDENT

Through: Mr. Sachin Bandooni, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

16.12.2024

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1. The present appeal under Section 96 of the Code of Civil Procedure, 1908 (hereinafter “the CPC”) read with Order XLI of the CPC and Section 13 of the Commercial Courts Act, seeks to assail the order dated 09.10.2024 passed by the learned District Judge (Commercial Court-01), East District, Karkardooma Courts, Delhi in CS(COMM) No. 201/2024. Vide the impugned order, the learned Trial Court has passed a decree for possession against the appellants/defendants in respect of the property bearing office nos. 701 & 702, Roots Tower, District Centre, Laxmi Nagar, New Delhi – 110 092 (suit property) by allowing the respondent’s application under Order XII Rule 6 CPC.



2. After some arguments, learned counsel for the appellants, on instructions, submits that the appellants would be satisfied in case this Court were to grant them six months' time to vacate the suit property subject to their filing an affidavit to pay the up to date arrears of rent/ *mesne profits* of their agreed share of rent and also undertaking to handover vacant, peaceful and physical possession of the suit property to the respondent after the expiry of the time granted by this Court.
3. Learned counsel for the respondent, who appears on advance notice, has no objection to this limited request.
4. The appeal is, accordingly, disposed of by granting the appellants time till 15.06.2025 to handover vacant, peaceful and physical possession of the suit property to the respondent. The same would, however, be subject to the appellants' filing an affidavit of undertaking within a period of one week, undertaking therein not only to handover vacant, peaceful and physical possession of the suit property to the respondent on or before 15.06.2025, but also pay *mesne profits* as per their share of the agreed rent to the respondent on/ or before 7th day of each English calendar month alongwith the electricity and water charges. The appellants shall also undertake not to create any third party rights and interest in the suit property.
5. Needless to state, subject to the appellants' filing an affidavit of undertaking in terms of this order within a period of one week, the impugned judgment will not be enforceable till 15.06.2025. It is, however, made clear that in case the appellants do not file the said affidavit within one week or do not handover vacant, peaceful and physical possession of the suit property to the respondent on or before



15.06.2025, it will be open for the respondent to take steps for execution of the impugned judgment.

6. The appeal alongwith pending applications, is accordingly, disposed of.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 16, 2024

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