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

+ **RC.REV. 11/2024, CM APPL. 1903/2024**

SH SATBIR SINGH BINDRA

.....Petitioner

Through: Mr. Ajay Kohli and Ms. Dipika Prasad, Advocates.

versus

MRS KAWALJEET KAUR GANDHI & ORS.Respondents

Through: Mr. Narender Bhandari, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.03.2025

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RC.REV. 11/2024

1. By way of present revision petition filed under Section 25-B(8) of the Delhi Rent Control Act 1958 (hereinafter, referred to as '*DRC Act*'), the petitioner seeks to assail order dated 19.09.2023 passed by the Court of Additional Rent Controller, Tis Hazari Courts, Delhi in eviction petition, bearing Eviction Petition No. RC ARC 479440/2016 whereby an order of eviction was passed against the petitioner herein with respect to property being *Shop No. 3390-91, admeasuring 32" x 8" and 14"x 8" along with one almirah situated a Gali No.I, Deshbandhu Road, Regarpura, Karol Bagh, New Delhi* (hereinafter, '*subject property*').

2. After detailed arguments, learned counsel for the petitioner, on instructions from the petitioner, who is present in Court, submits that the petitioner undertakes to vacate the subject property on or before 30.04.2025 and handover the physical and vacant possession of the same to the



respondents/landlords. It is further submitted that in the meantime, the petitioner also undertakes not to create any third party rights in the subject property. Learned counsel states that an undertaking in the form of an affidavit to the above effect would be filed within a period of one week from today. Learned counsel has also handed over the gate pass of the petitioner, which is taken on record.

3. Learned counsel for the respondents, on instructions, submits that he has no objection to the above proposal, subject to the petitioner complying with the aforesaid undertaking and handing over the possession of the subject property on or before 30.04.2025.

4. In view thereof, let an Undertaking by way of an Affidavit be filed by the petitioner within a period of one week, undertaking that:

- (i) The petitioner shall hand over the vacant, physical and peaceful possession of the subject property on or before 30.04.2025.
- (ii) The petitioner shall state that the entire subject property is under his occupation and control and shall not create any third-party rights or part with possession of the subject property prior to handing over its possession.
- (iii) The petitioner shall remain bound by the Undertaking.

5. Subject to the petitioner filing the aforesaid Undertaking before this Court within a week from today, execution of impugned order shall remain stayed till the subject property is handed over on or before 30.04.2025.

6. In the event that the petitioner defaults in complying with the terms of the Undertaking filed, the interim protection shall stand recalled with liberty to the respondents to take recourse to appropriate proceedings for recovery of possession, recovery of the user charges/damages at market rate from the



date of the impugned order, in accordance with law.

7. The present petition is disposed of in the above terms alongwith the pending applications.

CM APPL. 68132/2024

1. In view of the order passed in RC.REV. 11/2024, learned counsel for the applicants/respondents seek leave to withdraw the present application.

2. Leave, as prayed for, is granted and the application is dismissed as withdrawn.

MANOJ KUMAR OHRI, J

MARCH 19, 2025/rd