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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 38/2019, CM APPL. 2807/2019**

SATISH KUMAR

.....Petitioner

Through: Mr. Ravinder Narayan, Advocate
with petitioner in person.

versus

ANJANA KHANNA & ORS

.....Respondents

Through: Mr. Satish Sharma, Advocate with
respondents in person (Through
V.C.).

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

26.03.2025

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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 12.12.2018 passed by ACJ/CCJ/ARC Shahdara, Karkardooma Courts, Delhi in Eviction Petition No.504/2017, vide which the petitioner/tenant's leave to defend application was dismissed and an eviction order was passed in favour of the respondents herein, in respect of the tenanted premises, i.e., *shop no. 2 in property bearing no. C-1/2, Krishna Nagar, Deihi-51* (hereinafter, '*subject premises*').

2. After detailed arguments, Mr. Ravinder Narayan, Ld. Counsel for the petitioner, on instructions from the petitioner who is present in Court, states that petitioner undertakes to vacate the subject premises within a period of one month from today. Mr. Narayan also hands over the self-attested gate pass of the petitioner, which is taken on record. It is further submitted that arrears with respect to user and occupation charges alongwith electricity and



water bill, if any, will be cleared before handing over the vacant and peaceful possession of the subject premises. It is further submitted that in the meantime, the petitioner also undertakes not to create any third party right in respect of the subject premises. 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.

3. Learned counsel for the respondents, on instructions from the respondents, who are present in Court, submits that he has no objection to the same, subject to the petitioner complying with the aforesaid undertaking.

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 within 1 month from today.
- (ii) The petitioners 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 clear arrears with respect to user and occupation charges alongwith water and electricity charges, if any, before handing over of the vacant, physical and peaceful possession;
- (iv) 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 within 1 month from today.

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 application.

MANOJ KUMAR OHRI, J

MARCH 26, 2025/ga