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

+ **RC.REV. 107/2024 & CM Appl.5402/2025**

PRADEEP KUMAR JINDAL

.....Petitioner

Through: Ms. Namita Dandana, Adv.

versus

RAVINDERJIT SINGH SETHI DECEASED THROUGH LRS

.....Respondents

Through: Mr. Vipin Nandwani, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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24.02.2025

CM Appl.11078/2025/Seeking early hearing]

1. This is an Application filed on behalf of the Petitioner seeking early hearing in the matter.
2. Learned Counsel for the Petitioner submits that Bailiff has been appointed in the matter.
3. For the reasons as stated in the Application, the same is allowed.
4. The matter is taken up for hearing today.

RC.REV. 107/2024 & CM Appl.5402/2025/Stay]

5. After some arguments, learned Counsel for the Petitioner, on instructions, submits that the Petitioner needs additional time to vacate the tenanted premises up to 30.09.2025.
6. Learned Counsel for the Respondents, on instructions from the Respondent No. 2, submits that the Respondents are agreeable to allow time



up to 30.09.2025, subject to the Petitioner paying user and occupation charges in the sum of Rs. 25,000/- per month, till the vacation of the subject premises to the Respondents. Learned Counsel for the Petitioner, on instructions, submits that this is acceptable to the Petitioner.

7. In view thereof, let an Undertaking by way of an Affidavit be filed by the Petitioner, within a period of two weeks undertaking that:

(i) The Petitioner shall hand over the vacant physical possession of the premises i.e., a shop bearing no.2 situated on the ground floor of property no. H-23, Bali Nagar, New Delhi as shown in red colour in the site plan annexed with the Eviction Petition [hereinafter referred to as “subject premises”];

(ii) The vacant, physical and peaceful possession of the subject premises will be handed over by the Petitioner to the Respondents on or before 30.09.2025;

(iii) The payment of user and occupation charges for the period from 08.05.2024 to 28.02.2025 in the sum of Rs. 25,000/- per month shall be paid by the Petitioner in two equated instalments on 30.04.2025 and 15.06.2025;

(iv) The payment of user and occupation charges from 01.03.2025 onwards shall be made by the Petitioner in the sum of Rs. 25,000/- per month on or before 7th day of each calendar month to the Respondents till the date of handing over of the vacant, physical and peaceful possession;

(v) The Petitioner undertakes and confirms that the entire subject premises is under his occupation and control;

(vi) 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;



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

(viii) The Petitioner shall remain bound by the Undertaking.

8. An advance copy of the Undertaking shall be served on the Respondents.

9. All payments shall be made into the bank account of the Respondents. The details of the bank account shall be provided by the learned Counsel for the Respondents to the learned Counsel for the Petitioner on his email address within two days.

9.1 Any payment which have already been made by the Petitioner towards user and occupation charges shall be adjusted prior to making the payment of first instalment of the arrears to the Respondents.

10. Subject to the Petitioner filing the aforesaid Undertaking before this Court within a period of two weeks, execution of order dated 08.11.2023 passed in RC ARC No. 84/2022 captioned ***S. Ravinderjit Singh Sethi v. Pradeep Kumar Jindal*** [hereinafter referred to as the “Eviction Order”] shall remain stayed till 30.09.2025.

11. 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 Respondents will be at liberty to take recourse to appropriate proceedings for recovery of possession, recovery of arrears and for recovery of the full user charges/damages from the Petitioner at market rate for the period from the date of the Eviction Order, in accordance with law.

12. The Petition is accordingly disposed of. The pending Application also



stands closed.

13. List the matter for compliance on 19.03.2025 in the Supplementary List.
14. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

FEBRUARY 24, 2025/r

Click here to check corrigendum, if any