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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 798/2025**

SURESH CHAND MAMGUAI AND ANRAppellants
Through: Mr. Satya Narayan Padhi with Mr.
Jitender Kumar and Mr. Pawan
Kumar, Advocates.

versus

SHRI SHIVA NANDRespondent
Through: Mr. Vinod Pal, Advocate with
respondent in-person.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **27.08.2025**

RFA 798/2025 & CM APPL. 53522/2025 (stay)

By way of the present regular first appeal filed under section 96 read with section 151 of the Code of Civil Procedure 1908, the appellants impugn judgment dated 05.05.2025 and decree dated 28.05.2025 passed by the learned District Judge-04, Shahdara District, Karkardooma Courts, Delhi, in suit bearing CS No.209/2015.

2. The court has heard Mr. Satya Narayan Padhi, learned counsel appearing for the appellants; as well as Mr. Vinod Pal, learned counsel appearing for the respondent.
3. After a detailed hearing, and in view of what has been expressed by this court in the course of hearing, Mr. Padhi submits that he has instructions to say that the appellants would be ready and willing to vacate the subject premises, if they are granted some reasonable time to do so.



4. The respondent is also present in court, and on instructions of the respondent, Mr. Pal submits that the respondent is willing to grant to the appellants (who are his brother-in-law and sister) 06 months from 01st September 2025 to vacate the subject premises. This is acceptable to learned counsel for the appellants.
5. In view thereof, the present appeal is disposed-of with the following directions :
 - 5.1. The appellants shall vacate the suit premises *i.e.*, Flat No. B-4, Pocket M-5, 1st Floor, Janta Flats, Dilshad Garden, Delhi *on or before 28.02.2026*;
 - 5.2. In the meantime, the appellants shall be entitled to continue to use and occupy the subject premises for the purpose for which it has been used so far, *subject however* to the appellants paying to the respondent a total sum of Rs.3,00,000/- within 08 weeks;
 - 5.3. To facilitate electronic remittance of the payment as referred-to above, the respondent shall furnish to the appellants requisite bank details within 07 days.
6. Furthermore, *each* of the appellants shall file before this court an affidavit of undertaking in the following terms within 02 weeks from today, with copy to the opposing counsel:
 - i. *I undertake that I shall surrender vacant, peaceful, physical possession of the subject premises to the respondent or his nominee on or before 28.02.2026, against written acknowledgment of receipt.*
 - ii. *I shall also pay to the respondent a total sum of Rs. 3,00,000/- within 08 weeks of 27.08.2025.*
 - iii. *Furthermore, during the period of my use and occupation of the subject premises, I shall also regularly and punctually pay all utility bills, including electricity and water charges and any other dues that may arise in relation to*



the use and occupation of the subject premises, till the date I hand-over vacant, peaceful, physical possession thereof to the respondent or his nominee.

- iv. I also undertake that in the event of any default in payment of any utility bills as aforesaid, I shall render myself liable to pay use and occupation charges equivalent to the prevailing market rent for the relevant period and to vacate the subject premises forthwith.*
 - v. I further undertake and confirm that throughout the period upto 28.02.2026, the subject premises shall remain under my use and occupation; and I shall not create any third party rights, titles or interests whatsoever, in or to the subject premises; and that I shall not cause any damage or harm to the subject premises, failing which I shall remain liable for damages to compensate for any such damage or harm.*
 - vi. I shall remain bound by the terms of the aforesaid undertaking.*
7. Needless to add, that in the event of violation of any of the terms of the above-referred undertaking, the respondent shall be at liberty to adopt all such remedies as may be available to him, in accordance with law.
8. The appeal is disposed-of in the above terms.
9. The Registry is directed to bring to the notice of this court if the affidavit of undertaking is not filed by the petitioner as directed-above.

ANUP JAIRAM BHAMBHANI, J

AUGUST 27, 2025
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