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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RC.REV. 263/2024 & CM Appl.56426/2024

M/S MEHTAB SINGH JAIN AND SONS AND ANOTHER

.....Petitioners

Through: Mr. Ashok Gurnami, Mr. Manish Kumar Sharma and Mr. Abhishek Singh, Advs. with Petitioner No.2 in person.

versus

SH. ABHAY KUMAR JAIN

.....Respondent

Through: Mr. Rajani Chauhan and Mr. Prashant Singh, Advs.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

03.02.2025

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1. Learned Counsel for the parties submit that the parties have amicably reached a resolution with respect to their *inter se* disputes.
2. Learned Counsel for the Petitioners, on instructions from the Petitioners, submits that the Petitioners need additional time up to 31.06.2026 to vacate the tenanted premises.
3. Learned Counsel for the Respondent, on instructions from the Respondent, submits that the Respondent is agreeable to allow time up to 31.03.2026, subject to payment of user and occupation charges in the sum of Rs.25,000/- per month and a lump sum user in the sum of Rs.10,000/- for the period prior to today. Learned Counsel for the Petitioners submits that this offer is acceptable to the Petitioners.
4. In view thereof, let an Undertaking by way of an Affidavit be filed by the Petitioners, within a week undertaking that:
 - (i) The Petitioners shall hand over the physical possession of the



premises i.e., premises bearing Shop No. 1734/A also known as No.1734/1, Ground Floor, Dariba Kalan, Delhi-110006 [hereinafter referred to as “subject premises”];

(ii) The vacant, physical and peaceful possession of the subject premises will be handed over by the Petitioners to the Respondents on or before 31.03.2026;

(iii) In lieu of use and occupation charges from 21.11.2024 to 31.01.2025, a lump sum amount in the sum of Rs. 10,000/- shall be paid by the Petitioners on or before 15.02.2025;

(iv) The use and occupation charges from 01.02.2025 onwards till the date the subject premises is vacated, shall be paid by the Petitioners at the rate of Rs.25,000/- per month, on or before 7th day of each calendar month;

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

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

(viii) The Petitioners shall remain bound by the aforesaid Undertaking.

5. An advance copy of the Undertaking shall be served on the Respondent.

6. All payments shall be made into the bank account of the Respondent. The details of the bank account shall be provided by the learned Counsel for the Respondent to the learned Counsel for the Petitioners on his email



address within two days.

7. Subject to the Petitioners filing the aforesaid Undertaking before this Court within a week from today, execution of order dated 21.05.2024 passed in RC ARC No. 65/2023 [hereinafter referred to as the “Eviction Order”] shall remain stayed till 31.03.2026.

8. In the event that the Petitioners default in complying with the terms of the Undertaking filed, the interim protection granted hereinabove shall automatically stand dissolved and Respondent will be at liberty to take recourse to appropriate proceedings for recovery of possession and for recovery of the use and occupation charges from the Petitioners at market rate for the period from the date of the Eviction Order, in accordance with law.

9. The Petition is accordingly disposed of. The pending Application also stands closed.

10. List the matter for compliance on 25.02.2025.

11. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

FEBRUARY 3, 2025/r

Click here to check corrigendum, if any