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

+ **RFA(COMM) 557/2025 & CM APPL. 61175-61176/2025**

S.K. ELECTRICALS & ANR.

.....Appellants

Through: **Mr. B.R. Kaushik, Advocate.**

versus

OM PARKASH

.....Respondent

Through: **Mr. S.B. Sharma, Mr. Ankit Sharma,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **24.09.2025**

1. The respondent/decreed holder initiated the suit for being **CS (COMM) No.618/2024** before the Ld. District Judge (Commercial Court)-03, South-West District, Dwarka Courts, New Delhi.
2. The suit was filed seeking possession of the tenanted premises and was decreed *vide* judgment and decree dated 30th July 2025; the operative part speaks thus:

“14. In view of the abovesaid discussion and the clear and unambiguous admissions on the part of the defendants, the plaintiff is entitled to the possession of the said property from the defendants. In the said circumstances and discussion, the application of the plaintiff under Order 12 Rule 6 r/w Section 151 CPC is allowed to the extent that the suit is partly decreed to the effect that the defendants are directed to deliver the vacant and peaceful possession of the suit/tenanted property i.e. shop/plot no.7 A, Khasra No. 10/19, measuring 100 sq. yds., Maksudabad,



Najafgarh, New Delhi as detailed and marked in red in the site plan filed alongwith the plaint within 15 days from the date of this order.”

3. Pursuant to the aforesaid decree, respondent/Decree Holder initiated execution proceedings, whereas the appellant/Judgment Debtor-tenant initiated the present appeal questioning the above judgment.

4. We have heard the counsel for appellant/Judgment Debtor at length. Since we are not convinced to allow the present appeal, counsel for appellant/Judgment Debtor made an oral request that the appellant be granted breathing time to vacate the premises and further had undertaken to file an affidavit/undertaking before this Court, during the course of hearing.

5. Affidavit/undertaking tendered and duly sworn by appellant no.2, who is proprietor no.1/Firm, states as under:

“I, Sunil Kumar, aged about 53 years, S/o Shri Surat Singh, R/o VPO Kair, Langan Pana, New Delhi-110043, do hereby solemnly affirm, state and declare as under:-

- 1. That I am appellant No.2 in the above mentioned appeal and am fully conversant with the facts of the case and competent to file and swear the present affidavit.*
- 2. That I undertake to vacate the rented shop in dispute on 31.12.2025 and hand over the possession of the same to the Respondent.*
- 3. That is my true statement.”*

6. In the wake of aforesaid undertaking, appellant nos.1 & 2 have undertaken to vacate the entire suit premises in terms of decree in any case by 31st December 2025.

7. Since the statement is coming on oath on affidavit duly sworn by appellant no.2 for himself and in the capacity of proprietor of appellant



no.1/Firm, we deem it appropriate to take the said affidavit on record and accept the undertaking.

8. That being so, we deem it appropriate to defer the hearing of the execution proceedings till 31st December 2025.

9. Statement made on affidavit that the possession of the premises, in terms of the decree, shall be handed over to the respondent/Decree Holder by 31st December 2025, is accepted as an undertaking.

10. We make it clear that in case if there is any violation of the undertaking given to this Court, same will result in the appellant/Judgment Debtor facing contempt proceedings for violating the undertaking given to this Court.

11. In view of the aforesaid affidavit, counsel for the appellant has not pressed the appeal, and that being so, we dismiss the appeal as withdrawn by accepting the undertaking as taken on record mentioned hereinabove.

12. Pending applications are rendered infructuous.

13. Till 31st December 2025, the execution proceedings be deferred.

14. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

SEPTEMBER 24, 2025/ak