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

% ***Date of Decision: 04.03.2025***

+ RC.REV. 59/2025 & CM APPL. 10527/2025

MOHD SHAHID

.....Petitioner

Through: Mr. Ashok Gurnani, Mr. Abhishek Singh and Mr. Manish Kr. Sharma, Advocates with Petitioner in person.

versus

GIYARSI DEVI AND ANR

.....Respondents

Through: Mr. Piyush Gupta, Mr. Prateek Gupta, Mr. Atishay Jain, Mr. Sudhanshu Sharma, Mr. Deepanshu Gupta and Mr. Amit Sharma, Advocates.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The Petitioner is present in Court today.
2. Learned Counsel for the Petitioner, on instructions from the Petitioner, submits that the Petitioner needs additional time upto 30.11.2025 to vacate the tenanted premises.
3. Learned Counsel for the Respondents, on instructions from the Respondents, submits that the Respondents are agreeable to allow time up to 30.11.2025, subject to the Petitioner paying user and occupation charges in the sum of Rs. 23,000/- per month, till the vacation of the subject premises to the Respondents.



4. Learned Counsel for the Petitioner submits that this is acceptable to the Petitioner.

5. 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., one shop bearing No.51, ground floor, DDA Market, E Block, Raghbir Nagar, New Delhi-110027 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 Respondent on or before 30.11.2025;

(iii) The user and occupation charges from 17.02.2025 onwards shall be paid by the Petitioner in the sum of Rs.23,000/- per month on or before 7th day of each calendar month till the date of handing over of the vacant, physical and peaceful possession of the subject premises;

(iv) The user and occupation charges for the months of February and March, 2025 shall be paid by the Petitioner in the sum of Rs.23,000/- on or before 15.03.2025;

(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 he will not create any third-party rights



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or part with possession of the subject premises and that he shall not damage the subject premises in any manner whatsoever prior to its vacation;

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

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

7. 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.

8. Subject to the Petitioner filing the aforesaid Undertaking before this Court within two weeks from today, execution of order dated 17.08.2024 passed in ARC No.25515/2016 captioned **Smt. Giyarsi Devi & Anr. v. Mohd. Shahid** [hereinafter referred to as the “Eviction Order”] shall remain stayed till 30.11.2025.

9. 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.

10. The Petition is disposed of in the foregoing terms. The pending Application also stands closed.

11. List the matter for compliance on 25.03.2025 in the Supplementary



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list.

12. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MARCH 4, 2025/pa

Click here to check corrigendum, if any