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

Date of Decision: 16.01.2025

+ **RC.REV. 385/2024 & CM APPL. 74422/2024**

SH SRI CHAND YADAV & ORS.

.....Petitioners

Through: Mr. J.P. Sengh, Sr. Advocate with
Ms. Sana Ansari, Mr. I. Ahmed &
Mr. Tanveer Zaki, Advocates.

versus

AJAY KUMAR SHARMA

.....Respondent

Through: Mr. R.K. Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The Petitioners are physically present in the Court today.
2. Learned Counsels for the parties, on instructions, submit that the parties have mutually reached a settlement in the matter.
3. Learned Counsel for the Petitioners/tenants on instructions from the Petitioners/tenants submits that the Petitioners/tenants needs some additional time to vacate the tenanted premises.
 - 3.1 Learned Counsel for the Respondent/landlord, on instructions, submits that the Respondent/landlord is agreeable to allow time up to 30.06.2025, subject to payment of user and occupation charges in the sum of Rs.15,000/- per month. Learned Counsel for the Petitioners/tenants submits that this offer is acceptable to the Petitioners/tenants.
4. The Petitioners/tenants agree to pay user and occupation charges in



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the sum of Rs.15,000/- per month from 05.11.2024 onwards till they vacate the tenanted premises.

5. In view thereof, let an Undertaking by way of an Affidavit be filed by all four Petitioners/tenants, within a period of two weeks undertaking that:

(i) The Petitioners/tenants shall hand over the vacant physical possession of the premises i.e., premises No.4507, main road, ground floor, Pahari Dhiraj, Sadar Bazar, Delhi-110006 (Ward No. XIII) as shown in red color 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 Petitioners/tenants to the Respondent/landlord on or before 30.06.2025;

(iii) The use and occupation charges from 01.02.2025 onwards till the date the subject premises are vacated, shall be paid by the Petitioners/tenants at the rate of Rs.15,000/- per month, on or before 7th day of each calendar month;

(iv) The use and occupation charges for the period from 05.11.2024 to 31.12.2024 shall be paid by the Petitioners/tenants at the rate of Rs.15,000/- per month on or before 28.02.2025;

(v) The use and occupation charges for the month of January, 2025 shall be paid at the rate of Rs.15,000/- on or before 22.01.2025;

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

(vii) The Petitioners/tenants 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;



(viii) The Petitioners/tenants 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;

(ix) The Petitioners/tenants shall remain bound by the aforesaid Undertaking.

6. An advance copy of the Undertaking shall be served on the Respondent/landlord.

7. All payments shall be made by the Petitioners/tenants into the bank account of the Respondent/landlord. The details of the bank account shall be provided by the learned Counsel for the Respondent/landlord to the learned Counsel for the Petitioners/tenants on his email address, within two days.

8. Subject to the Petitioners/tenants filing the aforesaid Undertaking before this Court within two weeks from today, execution of order dated 06.05.2024 passed in RC ARC No.79791/16 captioned **Ajay Kumar Sharma v. Sh. Sri Chand Yadav & Ors.** [hereinafter referred to as the “Eviction Order”] shall remain stayed till 30.06.2025.

9. In the event that the Petitioners/tenants default in complying with the terms of the Undertaking filed, the interim protection granted hereinabove shall automatically stand dissolved and Respondent/landlord will be at liberty to take recourse to appropriate proceedings for recovery of possession and for recovery of the full *mesne profits* from the Petitioners/tenants at market rate for the period from the date of the Eviction Order, in accordance with law.

10. The Revision Petition is disposed of in the foregoing terms. Pending Application stands closed.



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11. List the matter for compliance on 04.02.2025.
12. The parties shall act based on the digitally signed copy of the order.

JANUARY 16, 2025/ ha

TARA VITASTA GANJU, J

Click here to check corrigendum, if any