



\$~56

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

Date of Decision: 25.02.2025

+ **RC.REV. 125/2021, CM APPL. 28173/2021**

MASTER ABDUL ALEEM (DECEASED) THROUGH LRS.

.....Petitioner

Through: Mr. Tanveer Nayar, Mr. Samar Khan,
Mr. Yagyesh Kumar, Advs. with Mr.
Abdul Sattar, Petitioner No.(a i)
through VC

versus

HAMEEDA SHAHZAD

.....Respondent

Through: Mr. Rajeev Saxena, Sr. Adv. with Ms.
Megha Saxena, Ms. Shreya
Bhatnagar, Mr. Shaurya Dahiya,
Advs. with Respondent in-person

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. Mr. Abdul Sattar, Petitioner No.(a i) is virtually present before the Court today.
2. The Respondent is physically present before the Court today.
3. After some arguments, learned Counsel for the Petitioner, on instructions from the Petitioner, submits that the Petitioner needs additional time upto 30.09.2025 to vacate the tenanted premises.
4. Learned Counsel for the Respondent, on instructions from the Respondent, submits that the Respondent is agreeable to allow time up to 30.09.2025, subject to the Petitioner paying increased user and occupation charges in the sum of Rs. 20,000/- per month, till the vacation of the subject premises to the Respondent.
5. Learned Counsel for the Petitioner submits that this is acceptable to



the Petitioner.

6. In view thereof, let an Undertaking by way of an Affidavit be filed by the Petitioner, within a period of three weeks undertaking that:

(i) The Petitioner shall hand over the vacant physical possession of the premises i.e., one shop at ground floor of property bearing no. shop no.413, Gali No. 4, Okhla, P.O. Jamia Nagar, New Delhi as shown in red colour 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 Petitioner to the Respondent on or before 30.09.2025;

(iii) The user and occupation charges from 01.03.2025 onwards shall be paid by the Petitioner in the sum of Rs. 20,000/- per month till the date of handing over of the vacant, physical and peaceful possession on or before 7th day of each calendar month;

(iv) The arrears of user and occupation charges as affixed by the Court on 30.09.2021, shall be paid for the month of February, 2025 by the Petitioner/tenant during the course of the day.

(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 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.

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

8. 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 Petitioner on his email address immediately (to facilitate the February 2025 payment).

9. Subject to the Petitioner filing the aforesaid Undertaking before this Court within a week from today, execution of order dated 18.01.2021 passed in RC ARC 6011/16 captioned *Hameeda Shahzad vs. Master Abdul Aleem* [hereinafter referred to as the “Eviction Order”] shall remain stayed till 30.09.2025.

10. 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 Respondent 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.

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

12. List the matter for compliance on 26.03.2025 in the Supplementary List.

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

TARA VITASTA GANJU, J

FEBRUARY 25, 2025/jn