
(2025) 02 DEL CK 1199
In the Delhi High Court
Case No : RC.REV. No. 35 Of 2025

Vinod Kumar Sharma & Ors

APPELLANT

Vs

Bhuro Devi

RESPONDENT

Date of Decision : 24-02-2025

Acts Referred:

Citation : (2025) 02 DEL CK 1199

Hon'ble Judges : Tara Vitasta Ganju, J

Bench : Single Bench

Advocate : Anil Kumar Singh, Pavitra Veer Singh, Shinu Gupta, Vikram Singh, Uдай Dhawan, Awdhesh Kumar Chauhan

Final Decision : Disposed Of

Judgement

Tara Vitasta Ganju, J

1. Petitioner Nos.3 and 5 and the son of the Respondent are physically present in the Court today.
2. Petitioner Nos.3 and 5 are the brothers of Petitioner Nos.1, 2 and 4. They submit that they are in possession of the premises at shop bearing No.1 in property No.157/4-A, Maujpur, Shahdara, Delhi-110053 [hereinafter referred to as "subject premises"].
3. Learned Counsel for the Petitioners, on instructions, submits that the Petitioners need additional time to vacate the subject premises up to 01.09.2025.
4. Learned Counsel for the Respondent, on instructions from the Respondent, submits that the Respondent is agreeable to allow time up to 01.09.2025, subject to payment of user and occupation charges in the sum of Rs.7,500/- per month from 01.03.2025 onwards. Learned Counsel for the Petitioners, on instructions, submits that this is acceptable to the Petitioners.
5. In view thereof, let an Undertaking by way of an Affidavits be filed by all the Petitioners, within a period of two weeks undertaking that:

(i) The Petitioners/tenants shall hand over the vacant physical possession of the premises i.e., shop bearing No.1 in property No.157/4-A, Maujpur, Shahdara, Delhi-110053 as per 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/landlady on or before 01.09.2025;

(iii) The use and occupation charges from 01.03.2025 onwards till the time the subject premises is vacated shall be paid by the Petitioners/tenants at the rate of Rs.7,500/- per month on or before 7th day of each calendar month;

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

(v) 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;

(vi) 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;

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

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

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

8. Subject to the Petitioners filing the aforesaid Undertaking before this Court within a week from today, execution of order dated 31.08.2024 passed in RC/ARC No.206/2019 captioned Bhuro Devi v. Vinod Kumar Sharma [hereinafter referred to as the "Eviction Order"] shall remain stayed till 01.09.2025.

9. In the event that the Petitioners 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 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.

10. Learned Counsel for the Petitioner submit that there is some security deposit amount which was paid to the Respondent at the time of tenancy. The Petitioners are at liberty to take appropriate steps in accordance with law with respect to the

same.

11. The Revision Petition is disposed of in the foregoing terms.
12. List for compliance on 20.03.2025 in the Supplementary List.
13. The parties shall act based on the digitally signed copy of the order.