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

+ RC.REV. 101/2017 & CMs No.8287/2017 (for stay) & 33040/2017
(of petitioner for setting aside of order dated 16th August, 2017)

PRAMOD KUMAR

..... Petitioner

Through: Mr. Rajesh Bhatia and Mr. Amit
Tayal, Advs.

Versus

RAJIV GUPTA

..... Respondent

Through: Mr. Satya Prakash Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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14.09.2017

1. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order [dated 24th August, 2016 in E. No.755/14/11 (New No.78013/16) of the Court of Additional Rent Controller (ARC)—02, Central District, Tis Hazari Courts, Delhi] of dismissal of the application filed by the petitioner for leave to defend the petition for eviction under Section 14(1)(e) of the Act filed by the respondent/landlord and the consequent order of eviction of the petitioner from a shop in property No.H-16/165, Bapa Nagar, Karol Bagh, New Delhi as shown in the red colour in the site plan annexed to the petition for eviction.

2. The petition was entertained and notice thereof ordered to be issued. The counsel for respondent appears.

3. The counsel for the petitioner has been heard.

4. The counsel for the petitioner, after full hearing, under instructions from the petitioner present in Court states that the petitioner does not want to press this petition or to challenge the order of eviction impugned in this petition and withdraws the same and will abide by the order of eviction and only seeks extension of time for vacating the premises and is in exclusive control and possession of the entire premises from which he has been ordered to be evicted and is in a position to hand over vacant peaceful physical possession of the premises and is willing to give undertaking in the usual form.

5. The counsel for the respondent/landlord though objects to time sought till 30th September, 2019, contending that the respondent/landlord has urgent need for the premises and as has also been found by the learned ARC but for the sake of finality and certainty has been persuaded to grant of time.

6. The petitioner present in Court and as identified by his counsel undertakes to this Court to:

(i) hand over vacant peaceful physical possession of the premises with respect to which order of eviction has been passed, to the respondent/landlord, on or before 30th September, 2019;

(ii) pay compensation to the respondent for use and occupation of the premises, with effect from the month of October, 2017 till the month of September, 2018 @ Rs.2,000/- per month and with effect from the month of October, 2018 till the month of vacation of the premises on or before 30th September, 2019 @ Rs.2,500/- per month,

month by month, in advance for each month by the 10th day of English Calendar month;

(iii) clear the electricity and water dues of the premises till the date of occupation thereof, before leaving the premises; and,

(iv) hereinafter, not induct any other person into possession of the premises and to not damage the premises.

7. The aforesaid undertakings of the petitioner/tenant are accepted and the petitioner/tenant/his legal representative are ordered to be bound therewith.

8. The petitioner/tenant has been explained the consequences of breach of undertaking given to this Court.

9. I have otherwise satisfied myself that the order of the ARC impugned in this petition is in accordance with law.

10. The petition is accordingly dismissed as withdrawn; however subject to the petitioner/tenant complying with his undertaking aforesaid, the order of eviction is made inexecutable till 30th September, 2019.

11. It is made clear that in the event of the petitioner/tenant/his legal representative being in breach of the undertaking or any part thereof, the respondent/landlord, besides initiating proceedings against the petitioner/tenant/his legal representative for breach of undertaking given to the Court, shall also be entitled to forthwith execute the order of eviction.

12. No costs.

13. The date of 15th January, 2018 is cancelled.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 14, 2017/bs..

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