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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 125/2015 & CM No.25561/2015 (u/O XX R-12 CPC)
SURESH CHAND JAIN Petitioner

Through: Mr. Rajnish Singh, Adv.

Versus

POONAM CHADHA Respondent

Through: Mr. Saurabh Luthra, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **27.07.2017**

1. The counsels state that settlement has been arrived at between the petitioner / tenant and the legal heir of the deceased respondent / landlady and seek disposal of this petition in terms thereof.
2. This Rent Control Revision Petition was preferred against the order (dated 20th November, 2014 in Eviction Petition No.40/2014, Unique Identification No.02402C0136602014 of the Court of ACJ/CCJ/ARC, District Shahdara, Karkardooma Courts, Delhi) of dismissal of the application filed by the petitioner / tenant for leave to defend the petition for eviction under Section 14-D and Section 14(1)(e) of the Delhi Rent Control Act, 1958 filed by the deceased respondent / landlady and the consequent order of eviction of the petitioner / tenant.
3. The petition was entertained and notice thereof issued.
4. Vide subsequent order dated 15th May, 2015, the operation of the order of eviction was stayed.
5. Vide yet subsequent order dated 17th November, 2015, the petitioner / tenant was directed to deposit Rs.1,50,000/- in this Court towards use and

occupation charges. The order dated 26th February, 2016 records that the said amount had been deposited and which was ordered to be released to the deceased respondent / landlady subject to the final outcome of the petition. Vide subsequent order dated 2nd August, 2016, the petitioner / tenant was directed to deposit a further sum of Rs.50,000/-. Vide order dated 18th April, 2017, the legal representative of the deceased respondent / landlady was substituted in her place.

6. The counsels state that it has been agreed, that the petitioner / tenant does not challenge the order of eviction impugned in this petition and withdraws this petition; the petitioner / tenant undertakes to this Court to hand over vacant, peaceful, physical possession of the premises, with respect to which the order of eviction has been passed, on or before 15th September, 2017; and, that the amount of Rs.2,00,000/- deposited by the petitioner / tenant in this Court which has not been withdrawn by the deceased respondent / landlady or her heir be refunded to the petitioner / tenant along with interest if any earned thereon.

7. The petitioner / tenant, present in person in this Court, as identified by the counsel, furnishes undertaking to this Court to handover vacant, peaceful, physical possession of the premises from which he has been ordered to be evicted to Mr. Tanuj Chadha legal heirs of the respondent / landlady on or before 15th September, 2017.

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

9. The undertaking aforesaid of the petitioner / tenant is accepted and is ordered to be bound by the same.

10. The aforesaid compromise is found to be lawful and is allowed.
11. I have otherwise satisfied myself that the order of eviction impugned in this petition is in accordance with law.
12. The petition is dismissed as withdrawn.
13. The amount of Rs.2,00,000/- deposited in this proceeding is ordered to be released in favour of the petitioner / tenant Suresh Chand Jain along with interest if any accrued thereon.
14. Subject to the petitioner / tenant taking requisite steps, the Registry is directed to ensure that the refund is made before 15th September, 2017.
15. In terms of above, the order of eviction is made executable after 15th September, 2017.
16. It is made clear that if the petitioner / tenant is in breach of his undertaking, the respondent Tanuj Chadha, besides taking action against the petitioner for breach of undertaking given to this Court, shall also be entitled to immediately execute the order of eviction.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J.

JULY 27, 2017

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