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

+ **RC.REV. 349/2017**

RAM PRAKASH KAKKAR & ORS Petitioners

Through: **Mr. Tara Chand Gupta, Advocate**

Versus

BANSI LAL ARORA Respondent

Through: **Mr. S.P. Batra, Advocate along with
respondent-in-person**

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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06.11.2017

1. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order (dated 6th March, 2017 in E.No.90/16 of the Court of Rent Controller (East), Karkardooma Courts, Delhi) of grant to the respondent/tenant of leave to defend the petition for eviction under Section 14(1)(e) of the Act.
2. The petition was entertained and notice of the petition ordered to be issued and the counsel for the respondent has been appearing.
3. The counsels have been heard.
4. The counsel for the respondent, during the hearing, pointing out to the respondent has stated that the respondent is already 76 years of age and is running a chemist shop in the tenancy premises and if granted five years time to vacate, will not contest the claim of the petitioner and will admit the

said claim and an eviction order can then be passed in favour of the petitioner.

5. The counsel for the petitioner opposes.

6. After considering entire facts and circumstances, I have proposed grant of time till 30th June, 2021.

7. Both counsels have agreed to the same.

8. The respondent, on enquiry states that his family comprises of his wife and two sons and of which one son is employed elsewhere and one of the sons is working with him in the shop. The son who is claimed to be working along with the respondent in the tenancy premises, namely, Sh. Neeraj Arora is present in Court and the respondent and the said Neeraj Arora admit that the petitioners are the owners of the property in a shop wherein the respondent is a tenant; that the petitioners are the landlords of the said shop; that the petitioners bona fide require the shop in the tenancy of the respondent for their own use and have no other alternate suitable accommodation. The respondent and Neeraj Arora, however, seek time till 30th June, 2021 to hand over the vacant peaceful possession of the tenancy premises to passing of order of eviction with respect whereto they have no objection, petitioners or their legal heirs.

9. The respondent and his son Neeraj Arora further state that they alone are in control and possession of the entire premises with respect to passing of order of eviction from which they have agreed and are in a position to give undertaking in the usual form to this Court.

10. On admission of the respondent, the petitioners are found entitled to order of eviction under Section 14(1)(e) of the Act and order is passed in favour of the petitioner and against the respondent of eviction of the respondent from the premises as described in paragraphs 1, 2 and 8 of the petition for eviction from which this petition arises and as shown in red colour in the site plan filed along with the petition for eviction and on which, for the purpose of identification, the learned ARC on receipt of copy of this order and before consigning the file, shall put Exhibit-C1.

11. I have otherwise also satisfied myself that the petitioners are entitled to an order of eviction under Section 14(1)(e) of the Act.

12. The respondent and his son Neeraj Arora, as identified by the counsel for the respondent, undertake to this Court:

- (i) to hand over vacant, peaceful physical possession of the premises with respect to which order of eviction has been passed, to the petitioners, on or before 30th June, 2021;
- (ii) to, with effect from the month of November, 2017 and till the month of vacation of the premises on or before 30st June, 2021, pay to the respondents use and occupation charges @ Rs.600/- per month, i.e. at the same rate at which the premises was rented earlier, month by month, in advance for each month by the 10th day of succeeding English Calendar month;
- (iii) to clear the electricity and water dues of the premises till the date of occupation thereof, before leaving the premises; and,
- (iv) to, hereinafter, not induct any other person into possession of the premises and to not damage the premises.

13. The aforesaid undertakings of the respondent/tenant and his son Neeraj Arora are accepted and the respondent/tenant/his legal representatives are ordered to be bound therewith.

14. The respondent/tenant and his son aforesaid have been explained the consequences of breach of undertaking given to this Court.

15. The petition is accordingly allowed; however, subject to the respondent/tenant complying with his undertaking aforesaid, the order of eviction is made inexecutable till 30th June, 2021.

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

No costs.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 06, 2017
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