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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 413/2017**

VIRENDER MAHABAR Petitioner

Through: Mr. Rajesh Bhatia, Adv.

Versus

NEHA GARG

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **04.09.2017**

CM No.32098 /2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

RC.REV. 413/2017 & CM No.32097/2017 (for stay)

3. This Rent Control Revision Petition under Section 25B(8) impugns the order [dated 6th April, 2017 in New E No.5563/2016 (Old E No.20/2016) of the Court of Senior Civil Judge-cum-Rent Controller, North-West District, Rohini 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 and the consequent order of eviction of the petitioner from Shop No.19/7, Ground Floor, Community Centre, Lawrence Road, Delhi-110035.
4. The counsel for the petitioner has been heard.
5. The respondent instituted the petition for eviction under Section 14(1)(e) of the Act averring i) that she, on 11th April, 2007 purchased Shops No.19/5, 19/6, 19/7 and 19/8, Ground Floor, Community Centre, Lawrence

Road, New Delhi; ii) that out of the said four shops, two shops i.e. Shops No.19/5 and 19/6, Ground Floor, Community Centre, Lawrence Road, New Delhi “had already been given to her brother-in-law as share” and now the respondent was left with only two shops i.e. Shop Nos.19/7 and 19/8, Ground Floor, Community Centre, Lawrence Road, New Delhi; iii) that the eldest son of the respondent viz. Ayush Garg has been sitting in the Shop No.19/8, Ground Floor, Community Centre, Lawrence Road, New Delhi along with his father and has been supporting his father in the business; iv) that the son of the respondent now wants to carry on his independent business of transportation and requires a shop for his own business.

6. At this stage, the counsel for the petitioner, who after fully arguing the matter was unable to justify that the order impugned in this petition is not in accordance with law, under instructions from the petitioner present in Court, interrupts the dictation and states that the petitioner does not want to press this petition and withdraws the same and will abide by the order of eviction and only seeks time of up to two years to vacate the premises and is willing to give an undertaking to this Court in the usual form therefor.

7. Issue notice limited to the aforesaid aspect to the respondent by all modes including dasti and through the counsel for the respondent, returnable on 24th October, 2017.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 04, 2017

‘gsr’..