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

+ **RC.REV. 440/2017**

DHARMENDER SHARMA Petitioner

Through: Mr. Vivek Aggarwal, Adv.

Versus

NIRMALA DEVI Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **22.09.2017**

CM No.34728/2017 (for exemption)

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

RC.REV. 440/2017, CM No.34726/2017 (for stay) & CM No.34727/2017 (for condonation of 189 days delay in filing the petition)

3. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order [dated 21st November, 2016 in E.No.5508/2016 (Old E. No.85/2015) of the Court of Addition Rent Controller-cum-Administrative Civil Judge (North West), Rohini Courts, Delhi] of dismissal of the application of 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 first floor of property No.A-870, Sector-2, Avantika, Rohini, Delhi.
4. The order of eviction also became executable on 20th May, 2017.
5. The petition has been filed after long delay and is accompanied with an application for condonation of 189 days delay in filing thereof.

6. I have enquired from the counsel for the petitioner whether the order of eviction impugned in this petition has already been executed.
7. The counsel for the petitioner states that the respondent has applied for execution and of which notice has been served on the petitioner and the said execution petition is listed today before the Suit Court and warrants of possession have not been issued as yet though on request of the petitioner in the morning, the execution petition has been kept at 1400 hours today.
8. The counsel for the petitioner, under instructions from the petitioner present in Court, 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 six months time to vacate the same. It is stated that the petitioner is in exclusive control and possession of the premises from which he has been ordered to be evicted and is in a position to give an undertaking to this Court in the usual form to vacate the premises and is also willing to compensate the respondent for the said time.
9. Issue notice to the respondent by all modes including dasti, returnable on 27th September, 2017.
10. The counsel for the petitioner to serve the counsel for the respondent before the trial court today itself in the execution petition.
11. The Executing Court to issue warrants of possession to a date after the next date before this Court.

Dasti under signature of Court Master.

SEPTEMBER 22, 2017/‘gsr’..

RAJIV SAHAI ENDLAW, J.