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

+ RC.REV. 615/2015 and CM 28330/2015 and 25200/2017

JEEVAN LAL & SONS

..... Petitioners

Through: Mr. J.P. Sengh, Sr. Advocate with
Ms. Sana Ansari, Ms. Manisha Mehta, Ms.
Vaishali Tanwar and Ms. Mrigna Shikhu, Ad

vocates

versus

SAROJ GUPTA

..... Respondent

Through: Mr. O.P. Aggarwal, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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16.05.2018

The respondent admittedly is the landlady qua the petitioner in respect of the premises described as shop no.1399, Main Chandni Chowk near Central Bank of India, Delhi-110 006. She had instituted eviction case on 18.01.2010 against the petitioner seeking an order of eviction on the ground of bonafide need of her two sons Ashu Gupta and Ashish Aggarwal. It may be noted that the petition was filed by her through her husband who is a practising advocate and who is representing her in these proceedings as well. The eviction petition was contested by the petitioner. After grant of leave to contest, it was put to trial. The Additional Rent Controller, by judgment dated

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17.08.2015, accepted the case of the respondent and granted eviction order rejecting all the contentions of the petitioner, *inter alia*, raised on the grounds of availability of a number of properties as alternative accommodation and on the plea that the respondent is guilty of suppression of facts with regard to some of them. It is the said judgment which was challenged by the revision petition at hand.

After some hearing, the respondent's counsel (pertinent to again mention he also being her husband) submitted that the petition may be allowed and the eviction order may be set aside and instead the respondent may be permitted to withdraw the eviction petition.

The revision petition is, thus, allowed. The impugned order is set aside. The eviction petition (no.E-349/14/10) in which the impugned judgment was passed is dismissed as withdrawn.

As per order dated 02.05.2017, the petitioner had been burdened with the responsibility to pay `7,000/- p.m. as user charges during the pendency of the revision petition, following the ruling of the Supreme Court in *Atma Ram Properties vs. Federal Motors (P.) Ltd., (2005) 1 SCC 705*. The amount paid in terms of the said order will be liable to be adjusted against the contractual terms as to the rate of rent.

R.K.GAUBA, J.

MAY 16, 2018

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