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

+ **RC.REV. 54/2019**

BALKISHAN & ANR

..... Petitioners

Through : Mr.Ashok Kumar Sharma, Advocate.

versus

SUSHIL KUMAR BUBAN

..... Respondent

Through : Mr.Ajay Kumar Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **01.02.2019**

CAV No.94/2019

Counsel as above appears for the respondent/caveator.

The caveat is discharged.

CM APPL No.4646/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

RC.REV. 54/2019 & CM APPL No.4647/2019

Petitioner assails the impugned order dated 07.08.2018 passed by the learned Trial Court whereby the leave to defend application was rejected and eviction order was passed in favour of the respondent.

After some arguments, it is submitted by learned counsel for petitioner that petitioner would not challenge the impugned order on merits, if two more years are granted to the petitioner to vacate the premises in dispute, which is objected to by the respondent.

In these circumstances, the petition is disposed of on an undertaking of the petitioner and with the direction the petitioner

shall vacate the subject premises on or before 31.01.2020 and hand over its vacant and peaceful possession to the respondent on or before said date.

The learned counsel for the respondent says the petitioner be directed to pay user / occupation charges at the market rate. The market rate is disputed by both the learned counsels, hence, as an interim measures, the petitioner is directed to pay a sum of Rs.15,000/- per month to the respondent as user / occupation charges with effect from 01.02.2019 till vacation of the premises. The user / charges for the month of February 2019 be paid on or before 20.02.2019 and further dues be paid on or before 07th of each calendar month. The water and electricity charges shall be paid as per actuals.

The usual undertaking on behalf of the petitioner be filed within two weeks from today with an advance copy thereof to the respondent. Any default in furnishing undertaking and / or payment of user/occupation charges shall entail eviction forthwith.

Pending application, if any, also stands disposed of.

YOGESH KHANNA, J.

FEBRUARY 01, 2019

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