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

+ **RC.REV. 117/2019**

GOPAL NARAIN KHANNA

..... Petitioner

Through : Mr.Govind Rishi, Advocate.

versus

SUBHASH CHANDER

..... Respondent

Through : Mr.Shashank Khurana and Mr.Jai
Sahai Endlaw, Advocates with
respondent.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **26.02.2019**

CM APPL Nos.9259-60/2019

Exemption allowed, subject to all just exceptions.

The application(s) stand disposed of.

RC.REV. 117/2019 & CM APPL Nos.9258/2019, 9261/2019

Petitioner assails the impugned order dated 27.09.2018 passed by the learned Trial Court whereby the leave to defend application of the petitioner was dismissed and eviction order was passed in favour of the respondent with respect to one shop bearing No.3119, forming part of property No.3119-21, Bazar Sita Ram, Delhi – 110006.

Learned counsel for the petitioner submits that he is not inclined to argue on merits provided the petitioner is allowed to remain in the premises for three years from now. Learned counsel for the respondent appearing on advance notice objects to the period and after some arguments agrees for one year, provided the market rent is paid by the petitioner as user/occupation charges till the vacation of the premises.

In the circumstances the petitioner to vacate the premises on or before 28.02.2020 and hand over its vacant and peaceful possession to the respondent. Also as an interim measure the petitioner to pay to the respondent an amount of Rs.25,000/- per month w.e.f. 01.04.2019 till 28.02.2020 as user/occupation charges.

The learned counsel for the respondent now says the petitioner has failed to pay the last paid rent and is in arrears for many years and the petitioner be directed to pay arrears atleast for the last three years from the date of filing of this eviction petition.

Admittedly, the eviction petition was filed before the learned Trial Court in August 2017, hence the petitioner is directed to pay the last paid rent of Rs.100/- per month from August 2014 till March 2019. The arrears be cleared by eight weeks from today and future payment of user/occupation charges be made on or before 7th of each calendar month commencing from April, 2019. The water and electricity charges be paid as per actuals. The usual undertaking to this effect shall be filed by the petitioner within four weeks from today. Any default in the payment of user/occupation charges shall entail eviction forthwith.

The petition along with pending application stands disposed of in terms of above. No order as to costs. Order dasti to both the parties.

YOGESH KHANNA, J.

FEBRUARY 26, 2019

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