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

+ **RC.REV. 201/2019**

YASH PAL GUPTA

..... Petitioner

Through : Mr.K.G.Sharma, Advocate.

versus

BRAHAM PARKASH TANWAR

..... Respondent

Through : Mr.M.K.Sharma, Mr.Manish Tanwar

and Mr.Abhinav Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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02.04.2019

CAV 335/2019

Counsel as above appears for the respondent/caveator.

The caveat is discharged.

CM APPL No.15113/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

RC.REV. 201/2019, CM APPL No.15112/2019

This petition challenges the impugned order dated 13.12.2018 passed by the learned Trial Court whereby the eviction order was passed in favour of the respondent as petitioner failed to file the leave to defend application in time.

Admittedly, the summons were served upon the petitioner on 29.09.2019 and the application for leave to defend was moved on 13.12.2018 i.e. after the statutory period of 15 days.

I have perused the impugned order dated 13.12.2018 passed by the learned Trial Court wherein after going through the law, I agree with the view of the learned Trial Court as it has passed a reasoned order and there is no need to interfere with the same.

At this stage, the learned counsel for the petitioner says petitioner is 68 years of age and may be allowed to vacate the premises on or before 31.03.2021 and even admits to pay user charges @ Rs.10,000/- per month but the same is disputed by the learned counsel for the respondent saying the market rental is around Rs.25,000/- per month to Rs.35,000/- per month in the same vicinity and has also shown copies of registered lease deed in this regard.

In the circumstances and as agreed upon after some discussions, the petitioner to vacate the premises on or before 31.12.2020 and hand over its vacant and peaceful possession to the respondent. The petitioner shall also pay as an interim measure, to the respondent an amount of Rs.15,000/- per month w.e.f. 01.07.2019 till 31.12.2020 as user/occupation charges. The payment be made on or before 7th of each calendar month. The water and electricity charges be paid as per actuals. The usual undertaking to this effect shall be filed by the petitioner within a week from today with an advance copy thereof to the learned counsel for respondent. 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. Order dasti to both the parties.

YOGESH KHANNA, J.

APRIL 02, 2019

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