

\$~15

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

%

Judgment delivered on: 14.11.2019

+ RC.REV. 653/2015

BALDEV SINGH SETHI

..... Petitioner

versus

PREM TANEJA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr.Rajeev Saxena, Mr.R.K.Bedi and Mr.Manish Khurana,
Advocates along with petitioner in person.

For the Respondents: Mr. Prashant Mehta and Ms. Divita Vyas, Advocates along
with respondent No.1 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 30.09.2015, whereby the eviction petition filed by the petitioner under Section 14(1)(e) of the Delhi Rent Control Act, 1958 for bonafide necessity has been dismissed holding that the need is not bonafide.

2. Petitioner has filed the subject eviction petition seeking eviction of the respondents on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 from shops bearing Nos.31/5 and 31/6, Jangpura Extension market, New Delhi more

particularly as shown in red colour in the site plan attached to the eviction petition.

3. After some arguments, learned counsel for the respondents under instructions from the respondent No.1 admits that there exists relationship of landlord tenant between the parties and also admits that petitioner is the owner of the property. Respondent No.1 submits that he has instructions on behalf of Mr. Naresh Midha, his nephew too also admits that relationship of landlord tenant exists between the parties and that the petitioner is the owner of the property.

4. They further admit that the need of the petitioner for the tenanted premises is bonafide and further that the petitioner does not have any other alternative suitable accommodation.

5. Learned Counsel for the Respondents submits that he has instructions to concede to the setting aside of the impugned order dated 30.09.2015 and to passing of an eviction order, however, he prays that Respondents may be granted two years to vacate and hand over peaceful, vacant possession of the tenanted premises to the petitioner.

6. In view of the above and in view of the admission made by the respondents, it is held that the relationship of landlord tenant exists between the parties and that the need of the petitioner for the tenanted premises is bonafide and that petitioner has no other alternative suitable accommodation available for the need as stated in the eviction

petition.

7. Accordingly, the impugned order dated 30.09.2015 is set aside. The eviction petition is allowed and an order of eviction is passed in favour of the petitioners and against the respondents in respect of shops bearing Nos.31/5 and 31/6, Jangpura Extension market, New Delhi, more particularly as shown in red colour in the site plan annexed to the eviction petition.

8. Respondent No.1, who is present in Court in person, undertakes on his behalf as also on behalf of respondent No.2 that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the petitioner on or before 13.11.2021. Respondents further undertake that they shall pay a sum pay Rs. 10,000/- per month as use and occupation charges with effect from 01.05.2020 till the time they hand over the peaceful vacant possession of the tenanted premises to the petitioner on or before 13.11.2021.

9. Respondents further undertake that they shall clear all water, electricity and other dues/charges in respect of the tenanted premises before they vacate the premises on or before 13.11.2021. They further undertake that they shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. They further undertake that they shall not cause any damage to the tenanted premises and hand over the possession of the same to the petitioner in the same condition as it exists today subject to normal wear and tear.

10. The undertaking is accepted.

11. Learned counsel for the petitioner under instructions from the petitioner submits that the undertaking is also acceptable to the petitioner.

12. Subject to respondents filing an affidavit of undertaking in the above terms within a period of two weeks from today, execution of this order shall remain stayed till 13.11.2021.

13. Order *Dasti* under signatures of the Court Master.

NOVEMBER 14, 2019

rk

SANJEEV SACHDEVA, J