

\$~4

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

% Judgment delivered on: 31.01.2020

+ RC.REV. 92/2015

PRITAM SINGH

..... Petitioner

versus

MADHAPI DEVI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. M.M. Kalra with Ms. Sonali Kumar, Advocates with
Petitioner in person.

For the Respondent: Mr. Pradeep Dewan, Sr. Advocate with Ms. Anupam
Dhingra, Advocates for Respondent Rajinder Kumar with
Respondent No.2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 02.02.2013, whereby, the
eviction petition filed by the Petitioner has been dismissed.

2. Petitioner had filed the subject eviction seeking eviction of the
Respondents on the ground of bonafide necessity under Section 14(1)
(e) of the Delhi Rent Control Act, 1958, from one shop in property
No.B-3/2, Model Town, Delhi, more particularly as shown in red
colour in the site plan annexed to the eviction petition.

3. The contention of the Petitioner is that the family of the Petitioner comprising of Petitioner himself, his wife, two sons, two daughters-in-law, three grandsons and one granddaughter.

4. It is contended in the eviction petition that Petitioner bonafide requires the premises for commercial purpose for his younger son and grandson as both are dependent on him. It is contended that neither the Petitioner nor any other family member dependent on him have any other commercial accommodation except the subject premises.

5. Learned counsel for the Respondents, under instructions from the Respondent No.2, who is present in Court in person, submits that Respondents admit that Petitioner is the owner of the property and there is a relationship of landlord and tenant between the Petitioner and the Respondents. He submits that Respondents also admit that the need of the Petitioner is bonafide and that Petitioner does not have any other suitable alternative accommodation available for his dependent family members. He further submits that Respondents have no objection to the eviction petition being allowed and eviction order being passed. He, however, prays that time be granted till 31.07.2021 to the Respondents to vacate and hand over the peaceful vacant possession of the tenanted premises.

6. Learned counsel for the Respondents, under instructions from the Respondent No.2, also withdraws the leave to defend application filed by the Respondents before the Rent Controller.

7. In view of the above, impugned order dated 03.06.2011 granting leave to defend is set aside. The leave to defend application filed by the Respondents is dismissed as withdrawn.

8. In view of the admissions made by the Respondents, eviction petition filed by the Petitioner is allowed and an order of eviction is passed, in favour of the Petitioner and against the Respondent, in respect of one shop in property No.B-3/2, Model Town, Delhi, more particularly as shown in red colour in the site plan annexed to the eviction petition.

9. Respondent No.2, who is present in Court in person, undertakes on his behalf and on behalf of the Respondent Nos.1 and 3 that Respondents shall vacate and handover the peaceful vacant possession of the tenanted premises to the Petitioner on or before 31.07.2021. Respondent No.2 further undertakes that they shall pay the use and occupation charges at the rate of Rs. 5,000/- per month to the Petitioner with effect from 01.07.2020 till the time Respondents hand over the peaceful vacant possession of the tenanted premises to the Petitioner on or before 31.07.2021.

10. Respondent No.2 further undertakes that they shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the Respondent vacates the premises on or before 31.07.2021.

11. Respondent No.2 further undertake that Respondents shall not

sublet, assign or part with the possession of the tenanted premises or any part thereof. Respondent No.2 further undertake that Respondents shall not cause any damage to the property and shall hand over the peaceful vacant possession of the tenanted premises to the Petitioner in a condition as existing today, subject to normal wear and tear.

12. The undertaking is accepted.

13. Learned Counsel for the Petitioner submits that the undertaking is acceptable to the Petitioner.

14. It is directed that in terms of Section 14(7) of the Delhi Rent Control Act, 1958 this order of eviction shall not be executable for a period of six months from today. Further, subject to Respondents filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the eviction order passed today shall remain stayed till 31.07.2021.

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

JANUARY 31, 2020
st

SANJEEV SACHDEVA, J