

\$~34

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

%

Judgment delivered on: 21.01.2020

+

RC.REV. 247/2019

AKHTAR ALI

..... Petitioner

versus

ABDUL REHMAN

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Virendra Singh with Mr. Ankit Singh and Mr. Danish Ali, Advocates.

For the Respondent: Mr. A.K. Upadhyay with Mr. Rajeev Kapoor, Advocates with the Respondent Mr. Abdul Rehman in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. It is submitted by learned Counsel for the Respondent that the Name of the Respondent is Abdul Rehman, however in the cause list the same is reflected as Abdul Ali.
2. The Name of the Respondent in the case records and Memo of Parties is shown as Abdul Rehman. Registry is directed to correct the name of the Respondent in its records and to henceforth correctly show the same as Abdul Rehman instead of Abdul Ali.
3. Petitioner impugns order dated 04.01.2019, whereby leave to defend the eviction petition was granted to the respondent.

4. Petitioner had filed the subject eviction seeking eviction of the petitioner on the ground of bonafide necessity under Section 14(1) (e) of the Delhi Rent Control Act, 1958, from one room measuring 15' x 9' feet with veranda and kitchen, latrine with bathroom on the ground floor of the property bearing No. 123, Near Chhoti Masjid, Khureji Khas, Delhi-51, more particularly as shown in red colour in the site plan annexed to the eviction petition.

5. The contention of the petitioner is that the family of the petitioner comprising of petitioner himself, his wife, two unmarried daughters, out of whom, one daughter was then studying in class 11 and the other was going to college and four sons, out of whom, one son was married and three sons were unmarried and all the sons were adults.

6. It is contended in the eviction petition that petitioner requires at least 8 living rooms with one room/hall for guests/visitors and he has only 5 rooms in his occupation and as such, bonafidely requires additional accommodation for residence of himself and his family members.

7. Learned counsel for the respondent, under instructions from the respondent Mr. Abdul Rehman, who is present in Court in person, admits that petitioner is the owner of the property and there is a relationship of landlord and tenant between the petitioner and the respondent. He also admits that the need of the petitioner is bonafide and that petitioner does not have any other suitable alternative accommodation available for his residence and the residence of his dependent family members. He further submits that Respondent has no objection to the eviction petition being allowed and eviction order being passed. He, however, prays that a period

of one year be granted to the respondent to vacate and hand over the peaceful vacant possession of the tenanted premises.

8. Learned counsel for the respondent, under instructions from the respondent, also withdraws the leave to defend application filed by the respondent before the Rent Controller.

9. In view of the above, impugned order dated 04.01.2019 granting leave to defend is set aside. The leave to defend application filed by the Respondent is dismissed as withdrawn.

10. In view of the admissions made by the respondent, 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 room measuring 15' x 9' feet with veranda and kitchen, latrine with bathroom on the ground floor of the property bearing No.123, Near Chhoti Masjid, Khureji Khas, Delhi-51, more particularly as shown in red colour in the site plan annexed to the eviction petition.

11. Respondent, who is present in Court in person, undertakes that respondent shall vacate and handover the peaceful vacant possession of the tenanted premises to the petitioner on or before 31.01.2021. Respondent further undertakes that he shall continue to pay the use and occupation charges at the agreed rate of rent of Rs. 2,000/- per month to the petitioner till the time respondent hands over the peaceful vacant possession of the tenanted premises to the petitioner on or before 31.01.2021.

12. Respondent further undertakes that respondent shall clear all water, electricity and other dues/charges in respect of the tenanted premises before

the respondent vacates the premises on or before 31.01.2021.

13. Respondent further undertakes that respondent shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. Respondent further undertakes that respondent 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.

14. The undertaking is accepted.

15. Learned Counsel for the petitioner submits that the undertaking is acceptable to the petitioner.

16. 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 respondent 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 31.01.2021.

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

SANJEEV SACHDEVA, J

JANUARY 21, 2020
st