

\$~41

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

% Judgment delivered on: 29.01.2020

+ RC.REV. 530/2019

INDIRAA BHASIN

..... Petitioner

versus

ASHWINI GUPTA

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. Shiv Charan Garg, Advocate with
petitioner in person

For the Respondent:

Mr. Rajesh K. Gogna, Advocate with
respondent in person

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner/landlord impugns the order dated 03.07.2019 where by the leave to defend application filed by the respondent/tenant has been allowed and leave to defend the eviction petition has been granted.

2. Petitioner has filed subject eviction petition seeking eviction of the respondent from one shop on the ground floor at property bearing No. 3578-79, Netaji Subhash Marg, New Delhi under Section 14 (1) (e) of Delhi Rent Control Act on the ground of bona fide necessity.

3. The ground of eviction stated by the petitioner inter alia is that the eldest son of the petitioner has completed his Bachelor of Business Administration in International Business from Amity University. It is further stated that he is unemployed and wants to stand on his legs and he wants to do a consultancy business from the said premises and he has no other commercial space in Delhi in his own name and is entirely dependent on his mother for the purposes of accommodation.

4. Learned counsel for the respondent, under instructions from the respondent, 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 time may be granted to the respondent to vacate and hand over the peaceful vacant possession of the tenanted premises on or before 31.10.2021.

5. 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.

6. In view of the above, impugned order dated 03.07.2019

granting leave to defend is set aside. The leave to defend application filed by the Respondent is dismissed as withdrawn.

7. 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 shop on the ground floor at property bearing No. 3578-79, Netaji Subhash Marg, more particularly as shown in red colour in the site plan annexed to the eviction petition.

8. 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 31.10.2021. Respondent further undertakes that he shall pay a sum of Rs.10,000/- per month as use and occupation charges to the petitioner with effect from 01.02.2020 till the time he hands over the peaceful vacant possession of the tenanted premises to the petitioner on or before 31.10.2021.

9. Respondent further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacates the premises. He further undertakes that he shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. He further undertakes that he shall not cause any damage to the tenanted premises and shall hand over the possession of the same in the 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. 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 31.10.2021.

13. Copy of the order be forwarded to the concerned Rent Controller.

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

SANJEEV SACHDEVA, J.

JANUARY 29, 2020
hk