

\$~21

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

% Judgment delivered on: 22nd December, 2020

+ RC.REV. 436/2017

SHIV KUMAR GUPTA Petitioner

versus

M/S PRAKASH TENT & FURNISHING HOUSE..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Shiv Charan Garg, Advocate

For the Respondents : Mr. M.L. Gupta, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 12.05.2017 whereby the petition filed by the petitioner under Section 14(1) (e) read with Section 25-B of the Delhi Rent Control Act has been dismissed.
3. Petitioner had filed the subject eviction petition seeking eviction of the respondent from one godown on the ground floor in property bearing No. 22/1, Shakti Nagar, Delhi, more particularly as shown in red colour in the site plan annexed to the eviction petition.

4. The ground of eviction based on which the petition was filed is that petitioner is a retired engineer and requires commercial space to run an office of consultancy services and does not have sufficient space for running the said office.

5. Though the eviction petition has been dismissed. Mr. M.L. Gupta, learned counsel appearing for the respondent – Rajesh Mehta, the proprietor of respondent submits that a settlement has taken place between the parties. Respondent admits that petitioner is the owner and landlord of the subject premises. He also admits that petitioner bonafidely requires the premises for the purpose as stated in the eviction petition and also concedes that there is no other suitable alternative accommodation available with the petitioner for the said purpose. Learned counsel also accepts and admits the site plan annexed to the eviction petition. The site plan is accordingly exhibited as Exb. C1.

6. Learned counsel for the respondent under instructions concedes that a decree of eviction be passed.

7. In view of the above, impugned order dated 12.05.2017 is set aside. The eviction petition is restored. In view of the admissions made by the respondent, the decree of eviction is passed under Section 14(1) (e) of Delhi Rent Control Act directing the respondent vacate the subject tenanted premises as shown in red colour in the site plan annexed to the eviction petition.

8. In view of Section 14(7) of Delhi Rent Control Act, the eviction order shall not be executable for a period of six months from today.

9. Learned counsel for the respondent under instructions submits that respondent undertakes to vacate the subject tenanted premises on or before 31.03.2021. The statement is taken on record.

10. The petition is accordingly allowed of in the above terms.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 22, 2020

'rs'