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

+ **RC.REV. 57/2024 & CM APPL. 10540/2024**

MOHD. YUSUF

.....Petitioner

Through: Mr. Rajan Chaudhary, Mr. Ansh
Yadav and Ms. Bandana Chaudhary,
Advocates

versus

MOHD. YUNUS

.....Respondent

Through: Mr. Tanishq Panwar and Mr. Aman
Qayoom Wani, Advocates

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

11.09.2024

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1. The present revision petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as "**the Act**") to impugn the judgment and order dated 30.10.2023 passed by the court of Sh. Pranav Joshi, CCJ-cum-ARC, (Central), Tis Hazari Courts, Delhi (hereinafter referred to as the "**trial court**") in eviction case bearing RC ARC no. 77/20 titled as **Mohd. Yunus V Mohd. Yusuf**.

2. The respondent filed an eviction petition under section 14(1)(e) read with section 25(B) of the Act bearing RC ARC no. 77/20 titled as **Mohd. Yunus V Mohd. Yusuf** against the petitioner in respect of one shop/godown bearing private No. 4, measuring 9' 9" x 25', in property bearing No. 2107 (Old) and 1468 (New), Ward No. XIV, Gali Chulhe Walan, Sadar Bazar, Delhi-110006 (hereinafter referred to as "**the tenanted premises**") as shown in red colour in the site plan.



3. The petitioner after service of summons as per the Third Schedule of the Act, filed an application for leave to defend. The trial court vide impugned order dated 30.10.2023, after conclusion of the trial, has passed the eviction order in respect of the tenanted premises in favour of the respondent and against the petitioner. The petitioner being aggrieved, filed the present petition.

4. The perusal of the impugned judgment and order dated 30.10.2023 reflects that the trial court has considered all the relevant issues as raised by the parties and passed a reasoned order. There is no ground to interfere in the impugned judgment and order dated 30.10.2023 and the same are accordingly affirmed.

5. Mr. Rajan Chaudhary, Advocate for the petitioner, on instructions from the petitioner, stated that the petitioner is ready to vacate the tenanted premises but the petitioner be given time till 30.06.2025 to vacate the tenanted premises.

6. Mr. Tanishq Panwar, Advocate for the respondent, on instructions from the respondent stated that the petitioner can be given time till 30.06.2025 to vacate the tenanted premises and the respondent shall be accepting the agreed rate of rent till the time the petitioner vacates the tenanted premises.

7. Accordingly, in view of the submissions made by the respective counsel for the parties, and while affirming eviction order dated 30.10.2023, the petitioner is granted time till 30.06.2025 to vacate the tenanted premises with the condition that petitioner shall not sublet/assign or part with the possession of tenanted premises or any part thereof and shall not carry out any material addition or alteration in the tenanted premises. The petitioner is



also permitted to pay the agreed rent till the time the petitioner vacates the tenanted premises on or before on the last day of each English calendar month. The petitioner is also directed to clear the electricity and water charges before vacating the tenanted premises.

8. It is made clear that if the petitioner fails to vacate the tenanted premises till 30.06.2025, in that eventuality, the respondent shall be at liberty to initiate/continue appropriate legal proceedings including execution proceedings for vacation of the tenanted premises.

9. The petitioner is also directed to file an undertaking in the form of an affidavit to the said effect before this Court within a period of 02 weeks regarding the vacation of the tenanted premises on or before 30.06.2025 and other conditions as agreed upon.

10. The present petition along with pending application stands disposed of.

DR. SUDHIR KUMAR JAIN, J

SEPTEMBER 11, 2024

Sk/abk