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

+ **RC.REV. 62/2024, CM APPL. 11755/2024**

BRIJ MOHAN MATTA (THROUGH HIS LRS)Petitioner

Through: **Mr. H.N. Pandey and Mr. Pushkar
Walia, Advs.**

versus

PRATEEK SETH

.....Respondent

Through: **Mr. Amit Vohra, Adv.**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

30.07.2024

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RC.REV. 62/2024, CM APPL. 11755/2024

1. The present revision petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 read with section 115 of CPC to set aside the impugned order dated 20.12.2023, passed by court of Sh. Harjeet Singh Jaspal, SCJ-cum-RC, Central district, Tis Hazari Courts, Delhi in eviction petition bearing RC/ARC no. 571/2022 titled **Prateek Seth V Brij Mohan Matta**.

2. The respondent filed a petition under section 14(1)(e) read with section 25B of the Delhi Rent Control Act, 1958 in respect of the tenanted premises i.e. shop bearing no. 1328/19, Ground Floor (Right hand back side), Hari Singh Nalwa Street, Naiwala Karol Bagh, New Delhi-110005, which was let out to the petitioner (now represented through LR's).

3. The petitioner (now represented through LR's) after service of summons as per the Third Schedule of the Delhi Rent Control Act, 1958



filed an application for grant of leave to defend, which was ordered to be dismissed vide the impugned order dated 20.12.2023, passed by the court of Sh. Harjeet Singh Jaspal, SCJ-cum-RC, Central district, Tis Hazari Courts, Delhi and as a consequence of which an eviction order was passed in respect of the tenanted premises/shop.

4. The petitioner (now represented through LR's) being aggrieved by the present petition.

5. The perusal of impugned order dated 20.12.2023 reflects that the trial court has considered all the essential ingredients of section 14(1)(e) and passed a reasoned order and the impugned order dated 20.12.2023 does not call for any interference and is accordingly, maintainable.

6. Mr. H.N. Pandey, Advocate, who is now representing the LR's of the original petitioner/tenant on instructions stated that they be given time till 31.12.2024 to vacate the tenanted premises with the condition that they shall not sublet or part with the tenanted premises/shop or any part thereof or shall not be making any addition or alteration in the tenanted premises/shop. It is further stated that the petitioner shall be making the payment of rent as per the agreed rate and shall also clear electricity and water charges before vacating the tenanted premises/shop.

7. Mr. Amit Vohra, Advocate on instructions from the respondent stated that the respondent is ready to grant time to the petitioner upto 31.12.2024 for vacating the tenanted premises/shop on the conditions as mentioned hereinabove.

8. In view of submissions made on behalf of the respective counsels for the parties, the petitioners are given time upto 31.12.2024 to vacate the tenanted premises/shop subject to the condition that they shall not sublet,



assign or part with the possession of the tenanted premises/shop and shall not make any addition or alteration in the tenanted premises/shop. The petitioners are also directed to clear electricity and water charges before vacating the tenanted premises/shop and also to pay the agreed rent on the agreed rate on or before the last day of each English calendar month till the time they vacate the tenanted premises/shop. In case, if the petitioners failed to vacate tenanted premises/shop on or before 30.12.2024, the respondent shall be at liberty to initiate appropriate legal proceedings for claiming the possession of the tenanted premises/shop. The petitioners are also directed to file an undertaking in the shape of affidavit regarding the abovementioned condition within 02 weeks from today.

9. The present petition alongwith pending application, if any, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

JULY 30, 2024/akc /ak/abk