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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 79/2024 & CM APPL. 16348/2024 & CM APPL.**
44294/2024, CM APPL. 44295/2024

SHYAM SONS

.....Petitioner

Through: **Mr. Gurkamal Hora Arora and**
Mr. Jaisel Baath, Advocates

versus

RAVI KUMAR JAIN

.....Respondent

Through: **Mr. Rajat Aneja, Mr. Anant**
Chaitanya Dutta, Mr. Utkarsh Mishra
and Mr. Aditya Sharma, Advocates

CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER
19.09.2024

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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 order dated 23.12.2023 passed by the court of Ms. Neetu Nagar, JSCC-ASCJ-Guardian Judge, South East, Saket Courts, Delhi (hereinafter referred to as the “**trial court**”) in eviction case bearing no. E-115/22 titled as **Ravi Kumar Jain V M/s Shyam Sons**.
2. The respondent filed an eviction petition under section 14(1)(e) read with section 25(B) of the Act bearing no. E-115/22 titled as **Ravi Kumar Jain V M/s Shyam Sons** against the petitioner in respect of one shop bearing no. 3601-A, Chawri Bazar, Delhi-110006 (hereinafter referred to as “**the tenanted premises**”).



3. The petitioner after service of summons as per the Third Schedule of the Act, filed an application for leave to defend along with affidavit which was dismissed vide the impugned order dated 23.12.2023, as a consequence of which, an eviction order was passed 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 order dated 23.12.2023 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 order dated 23.12.2023 and the same is accordingly affirmed.
5. The counsel for the petitioner, on instructions, stated that the petitioner is ready to vacate the tenanted premises but the petitioner be given time till 31.03.2025 to vacate the tenanted premises..
6. Mr. Rajat Aneja, Advocate for the respondent, on instructions, stated that the petitioner may be given time till 31.03.2025 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. In view of the submissions made by the respective counsel for the petitioner and the respondent, the petitioner is granted time till 31.03.2025 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, alteration in the tenanted premises. The petitioner shall pay the rent at the agreed rate 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 31.03.2025, 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 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 31.03.2025 and other conditions as agreed.

10. The present petition stands disposed of.

DR. SUDHIR KUMAR JAIN, J

SEPTEMBER 19, 2024

j/am