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

+ **RC.REV. 104/2024 & CM APPL. 21940/2024**

MS. NIRMALA

.....Petitioner

Through: Ms. Aditi Gupta, DHCLSC with
petitioner in person

versus

**SMT PHULLO SINCE DECEASED
THROUGH LRS**

.....Respondent

Through: Mr. Narender Bhandari, Advocate

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

22.08.2024

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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 21.11.2023 passed by the court of Sh. Mayank Mittal, ACJ-CCJ-ARC, East District, Karkardooma Courts, Delhi in eviction petition bearing RC ARC no. 766/16 titled as **Phullo (Decd.) Thr. LRs V Nirmala**.

2. Smt. Phullo, the predecessor in interest of the respondent Dinesh Kumar filed an eviction petition bearing RC ARC no. 766/16 under section 14(1)(e) read with section 25B of the Act titled as **Phullo (Decd.) Thr. LRs V Nirmala** against the petitioner in respect of the tenanted premises i.e. one shop forming part of the property bearing no. P-42/6, St. no. 9, Shankar Nagar Extension, Krishna Nagar, Delhi-110051, as shown in red colour in the site plan annexed with the eviction petition (hereinafter referred to as “**tenanted shop**”). The petitioner after service of summons as per the Third Schedule of the Act, filed an application for grant of leave to defend along



with an affidavit, which was ordered to be dismissed vide order dated 21.11.2023, as a consequence of which, an eviction order in respect of the tenanted shop was passed. The petitioner being aggrieved, filed the present petition.

3. The perusal of the impugned order dated 21.11.2023 reflects that it was passed on the sound principles of law and does not call for any interference from this Court and is accordingly maintained.

4. It is reflecting from the order dated 15.04.2024 that the petitioner sought time to vacate the tenanted shop on or before 15.10.2024 and has already filed an undertaking to the said effect.

5. Ms. Aditi Gupta, Advocate for the petitioner, on instructions, stated that the petitioner is ready to vacate the tenanted shop but time to vacate shop be extended till 30.11.2024. She further stated that the petitioner had paid Rs.42,000/- to the original respondent/landlord as security amount and shall be initiating appropriate legal proceedings for recovery of the said amount.

6. Mr. Narender Bhandari, Advocate for the respondent, on instructions, stated that the respondent does not have any objection if the time to vacate the tenanted shop is extended till 30.11.2024.

7. Accordingly, the petitioner is given time till 30.11.2024 to vacate the tenanted shop as detailed hereinabove, subject to the conditions that the petitioner shall not sublet, assign or part with the possession of tenanted shop or any part thereof and shall not carry out any material addition or alteration in the tenanted shop. The petitioner shall also clear the water and electricity charges before vacating the tenanted shop. It is made clear that if the petitioner fails to vacate the tenanted shop till 30.11.2024, in that



eventuality, the respondent shall be at liberty to initiate appropriate legal proceedings including execution proceedings for recovery of possession of the tenanted shop.

8. The petitioner is directed to file a fresh undertaking in the form of an affidavit in respect of the above-mentioned conditions within 02 weeks from today.

9. The present petition along with pending application, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

AUGUST 22, 2024

N/AM