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

+ **RC.REV. 116/2022, CM APPL. 24360/2022, CM APPL. 43598/2024**

KHALID RIAZ & ORS.

.....Petitioners

Through: Mr. M. Arshyan, Ms. Zebunnisa and
Mr. Nadeem Quereshi, Advocates

versus

CHAMAN BEGUM

.....Respondent

Through: Mr. D. S. Chauhan and Mr. Saifuddin,
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 dated 16.12.2021 passed by the court of Sh. Satosh Kumar Singh, CCJ-cum-ARC, (Central), Tis Hazari Courts, Delhi (hereinafter referred to as the "**trial court**") in eviction case bearing E no. 77316/2016 titled as **Chaman Begum V Mukhtar Ahmed**.

2. The respondents filed an eviction petition under section 14(1)(e) read with section 25(B) of the Act bearing E no. 77316/2016 titled as **Chaman Begum V Mukhtar Ahmed** against the petitioner in respect of shop no.5079, Kucha Rehman, Ballimaran, Chandni Chowk, Delhi (hereinafter referred to as "**the tenanted premises**") whereby an eviction order was passed in favour of the respondent after conclusion of trial.

3. This Court vide order dated 16.10.2023 has directed the petitioner to



pay the use and occupation charges.

4. Mr. D. S. Chauhan, Advocate for the respondent stated that the petitioners have not paid the use and occupation charges in terms of order dated 16.10.2023.

5. Mr. M. Arshyan, Advocate for the petitioners stated that the petitioners are not in a financial position to pay the use and occupation charges and shall be vacating the tenanted premises within 02 weeks from today if the respondent agrees to not to claim the use and occupation charges in terms of order dated 16.10.2023.

6. Mr. D. S. Chauhan, Advocate for the respondent on instructions from the respondent stated that the respondent shall not be claiming the use and occupation charges from the petitioners in terms of order dated 16.10.2023 subject to the condition that the petitioners shall vacate the tenanted premises on or before 25.09.2024.

7. Accordingly, in view of the submissions made by the respective counsel for the parties, and while affirming eviction order dated 16.12.2021, the petitioners are granted time till 25.09.2024 to vacate the tenanted premises with the condition that petitioners 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

8. It is made clear that if the petitioners fails to vacate the tenanted premises on or before 25.09.2024, in that eventuality, the respondents shall be at liberty to initiate appropriate legal proceedings including execution proceedings for vacation of the tenanted premises and to claim use and occupation charges in terms of order dated 16.10.2023.

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 03 days regarding the vacation of the tenanted premises on or before 25.09.2024 and other conditions as agreed upon.

10. Accordingly, the present petition stands disposed of.

DR. SUDHIR KUMAR JAIN, J

SEPTEMBER 11, 2024

Sk/abk