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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ RC.REV. 110/2024, CM APPL. 22800/2024 & CM APPL.  
43871/2024

SHYAM SUNDER & ANR. ....Petitioners  
Through: Mr. Dhruv Bhagat, Ms. Ashna Bhagat  
and Ms. Somya Bhagat, Advocates  
versus

AJIT TANDON ....Respondent  
Through: Mr. Harish Kumar Narang, Advocate

**CORAM:**  
**HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN**

**ORDER**

**05.08.2024**

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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 19.10.2023 passed by the court of Sh. Pranav Joshi, CCJ-cum-ARC, Central District, Tis Hazari Courts, Delhi in eviction petition bearing RC ARC no. 386/2020 titled as **Ajit Tandon V Rakesh Kumar Shyam Sunder** for eviction of private shop bearing no. 16-A situated on the Ground Floor forming part of the property bearing no. 2785-86 and 2838 to 2843, Ward no. XIII, Amrit Market (Pratap Market), Gali Matkon Wali, Sadar Bazar, Delhi-110006 (hereinafter referred to as the “**tenanted shop**”), which was stated to be let out by the respondent to the petitioners for commercial purpose at the monthly rent of Rs.192/- per month.
2. The respondent filed an eviction petition bearing no. 386/2020 under



section 14(1)(e) read with section 25 B of the Act titled as **Ajit Tandon V Rakesh Kumar Shyam Sunder**.

3. The petitioners after service of summons as per Third Schedule of the Act, filed an application for leave to defend along with affidavit, which was ordered to be dismissed vide order dated 19.10.2023 passed by the court of Sh. Pranav Joshi, CCJ-cum-ARC, Central District, Tis Hazari Courts, Delhi, as a consequence of which, an eviction order was passed in respect of the tenanted shop as detailed hereinabove. The petitioners being aggrieved, filed the present petition.

4. The petitioners in the application bearing CM no. 43871/2024, stated that the petitioners and the respondent have agreed to settle their disputes and the petitioners shall be vacating the tenanted shop on or before 31.01.2025, subject to the payment of use and occupation charges Rs.5,000/- per month excluding water and electricity charges from August, 2024 till the time the petitioners vacate the tenanted shop. The use and occupation charges shall be payable on or before 10<sup>th</sup> day of each English calendar month. The counsel for the petitioners after taking instructions, stated that the petitioners shall not sublet/assign or part with the possession of tenanted shop or any part thereof and shall not carry out any addition, alteration in the tenanted shop.

5. It is stated that if the petitioners fail to vacate the tenanted shop, in that eventuality, the respondent shall be at liberty to initiate appropriate legal proceedings for execution of the eviction order dated 19.10.2023.

6. Mr. Harish Kumar Narang, Advocate for the respondent on instructions, stated that the respondent is ready to give time to the petitioners till 31.01.2025 to vacate the tenanted shop, subject to the payment of use



and occupation charges Rs.5,000/- per month excluding water and electricity charges from August, 2024 till vacation of the tenanted shop on or before 10<sup>th</sup> day of each English calendar month. It is also stated that the petitioners be directed not to sublet, assign or part with the possession of tenanted shop or any part thereof and not to carry out any material addition or alteration in the tenanted shop. The respondent shall not initiate execution proceedings against the petitioners in pursuance of eviction order dated 19.10.2023 till 31.01.2025.

7. Accordingly, the petitioners are given time to vacate the tenanted shop on or before 31.01.2025, subject to the conditions that the petitioners 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. It is directed to pay the agreed use and occupation charges till the vacation of the tenanted premises on or before 10<sup>th</sup> day of each English calendar month. It is made clear that if the petitioners fail to vacate the tenanted shop till 31.01.2025, in that eventuality, the respondent shall be at liberty to initiate appropriate legal proceedings including execution proceedings for vacation of the tenanted shop.

8. The petitioners are directed to file an 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 applications, stands disposed of.

**DR. SUDHIR KUMAR JAIN, J**

**AUGUST 5, 2024**

N/ABK