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

+ **RC.REV. 112/2024 & CM APPL. 22967/2024**

MAHINDER KUMAR AND ANR.

.....Petitioners

Through: Mr. M.S. Khan, Ms. Neha and Ms. M.
Arshyan, Advocates with petitioner in
person

versus

PUSHPA DEVI AND ORS.

.....Respondents

Through: Ms. Shalini Kapoor, Ms. Divyanshi
Saxena and Mr. Udit Bhatiani,
Advocates
R-2 in person.

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

11.07.2024

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1. The present petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as the “**DRC Act**”) to set aside the impugned judgment/order dated 18.11.2023 passed by the court of Ms. Neetu Nagar, ARC-02, Central, Tis Hazari Courts, Delhi in eviction petition bearing 79/2022 (new no. 221/2022) titled as **Pushpa Devi and Ors. V Bobby** whereby the application for leave to defend preferred by the petitioners was dismissed.

2. The respondents are claiming to be the owners/landlords of the tenanted premises i.e. two shops situated on the ground floor of property bearing no. 6224, Kucha Shiv Mandir, Naya Bans, Khari Baoli, Delhi-110006 as shown in red colour in site plan annexed with the petition.

3. The respondents filed a petition under section 14(1)(e) read with



section 25B of the DRC Act for eviction of the tenants/petitioner from the tenanted premises on the ground of bona fide requirement.

4. The petitioners preferred an application for leave to defend along with an affidavit and the trial court vide impugned judgment/order dated 18.11.2023, dismissed the application for leave to defend filed by the petitioners, as a consequence of which, an eviction order in respect of the tenanted premises was passed and it was further ordered that in view of section 14(7) of the DRC Act, the order of recovery of possession shall not be executed before the expiry of a period of six months from the date of order. The petitioners being aggrieved, filed the present petition to challenge the impugned judgment/order dated 18.11.2023.

5. During the course of arguments, the counsel for the petitioners, on instructions from the petitioner no. 2 Rajiv Kumar @ Bobby for himself as well as on behalf of the petitioner no. 1 Mahinder Kumar, stated that he is not disputing the eviction judgment/order dated 18.11.2023 but the petitioners be given time till 31.03.2025 to vacate the tenanted premises.

6. Ms. Shalini Kapur, Advocate for the respondents, on instructions from the respondent no. 2 Lalit Gupta, stated that the respondents do not have any objection if the time till 31.03.2025 is given to the petitioners to vacate the tenanted premises, subject to the condition that the petitioners shall not sub-let, assign or part with possession of the tenanted premises and shall not make any material addition or alteration in the tenanted premises.

7. The respondent no. 2 Lalit Gupta, who is one of the landlords/owners of the tenanted premises, stated that he shall not be executing the eviction order till 31.03.2025.

8. In view of the above submissions, the impugned judgment/order dated



18.11.2023 is perused wherein the trial court has discussed all the necessary ingredients of section 14(1)(e) and there is no reason to interfere with the impugned judgment/order dated 18.11.2023.

9. Accordingly, the petitioners are given time to vacate the tenanted premises till 31.03.2025 with the condition that the petitioners shall not sub-let, assign or part with the tenanted premises or any part thereof and further, they shall not make any material addition or alteration in the tenanted premises.

10. The petitioners are directed to file an undertaking in the form of affidavit before this Court within a period of 02 weeks regarding the above-mentioned conditions. The petitioners are also directed to pay the rent @ Rs.735/- per month to the respondents without any default commencing from July, 2024 and the rent for each month shall be paid on or before 7th day of the succeeding month.

11. The present petition along with pending application stands disposed of.

DR. SUDHIR KUMAR JAIN, J

JULY 11, 2024

N/AM