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

+ RC.REV. 110/2021

SURENDER WALIA

.....Petitioner

Through: Mr. Ilesh Shukla, Mr. Chetanya Singh, Mr. Chetan Sharma, Mr. Vishnu Kumar and Ms. Rekha Shukla, Advocates

versus

ASHOK KUMAR RASTOGI

.....Respondent

Through: Mr. Ramesh Chander and Mr. Rahul Kumar, Advocates with son of the respondent in person

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% **26.07.2024**

1. The present petition is filed under section 25B of the Delhi Rent Control Act, 1958 (hereinafter referred to as “**the Act**”) to impugn the eviction order dated 11.02.2021 passed by the court of Mr. Rohit Gulia, ACJ/CCJ/ARC, South, Saket Courts, New Delhi whereby the application for leave to defend filed by the petitioner was dismissed as filed beyond the period of limitation, as a consequence of which, an eviction order in respect of the property bearing no. S-15, First Floor, Green Park Extension, New Delhi-110016 (hereinafter referred to as the “**tenanted premises**”), was passed as per the provisions of section 14(1)(e) read with section 25B of the Act.

2. The respondent filed an eviction petition bearing ARC no. 24/2019 titled as **Ashok Kumar Rastogi V Sonia Walia @ Surinder Walia** against



the petitioner as per section 14(1)(e) read with section 25(B) of the Act in respect of the tenanted premises, which was let out to the petitioner for non-residential purposes. The petitioner despite the service of summons as per the Third Schedule of the Act, did not file the application for grant of leave to defend along with affidavit within the period of limitation, as a result of which, the eviction order dated 11.02.2021 in respect of the tenanted premises was passed in favour of the respondent and against the petitioner. The petitioner being aggrieved, filed the present petition.

3. The counsel for the petitioner, on being instructed by the petitioner, stated that the petitioner be granted time till 31.08.2024 to vacate the tenanted premises with the conditions that the petitioner shall not sub-let, assign or part with possession of the tenanted premises and shall not make any substantial/material addition or alteration in the tenanted premises.

4. The counsel for the respondent, on instructions, stated that the respondent is ready to give time to vacate the tenanted premises till 31.08.2024 but the petitioner be directed to pay the rent at the agreed rate from July, 2024 till the time he vacates the tenanted premises and with the conditions that the petitioner shall not sub-let, assign or part with possession of the tenanted premises and also not make any substantial/material addition or alteration in the tenanted premises and shall clear water and electricity charges, if any, before vacating the tenanted premises.

5. Accordingly in view of the submissions made by the counsel for the respondent, the petitioner is permitted to vacate the tenanted premises till 31.08.2024 and to hand over the vacant peaceful possession of the tenanted premises back to the respondent. The petitioner is directed not to sub-let, assign or part with the possession of the tenanted premises and not to make



any addition or alteration in the tenanted premises. The petitioner is also directed to pay the rent at the agreed rate from July, 2024 till the vacation of the tenanted premises which shall be payable on 15th day of each calendar month and to clear the water and electricity charges, if any, before vacating the tenanted premises. The petitioner shall also file an undertaking in the form of affidavit in respect of the above conditions within a period of 02 weeks from today.

6. The present revision petition along with pending applications, if any, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

JULY 26, 2024

N/AM