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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 413/2019, CM APPL. 31151/2019 & CM APPL.
38777/2024

CHIRAGUDDIN & ORSPetitioners
Through: Mr. M. Arshyan, Advocate

versus

MOHD AYYUBRespondent
Through: Mr. Aftab Rasheed, Advocate

CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% **12.07.2024**

1. The present writ petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as the “**DRC Act**”) to impugn the order dated 29.01.2019 passed by the court of Mr. Shri Shirish Aggarwal, ARC-1, Central District, Tis Hazari Courts, Delhi whereby the application for leave to defend filed by the petitioner was dismissed, as a consequence of which, the eviction order in respect of the tenanted premises i.e. a shop situated on the ground floor bearing no. 2478, Bazar Chitli Qabar, Jama Masjid, Delhi-110006, as shown in the red colour in the site plan annexed along with the petition was passed as per the provisions under section 14(1)(e) read with section 25B of the DRC Act.

2. The respondent filed an eviction petition bearing No. E-1075/14 (New No. 78342/16) against the petitioners/tenants as per section 14(1)(e) read with section 25(B) of the DRC Act. The petitioner filed an application for



leave to defend after service of summons as per the Third Schedule along with an affidavit, which was ordered to be dismissed vide order dated 29.01.2019. The petitioners being aggrieved, filed the present petition.

3. This Court vide order dated 08.12.2023, directed the petitioners to pay use and occupation charges, which the petitioners did not pay.

4. The counsel for the petitioners stated that the petitioners are not challenging the impugned order dated 29.01.2019 but they be given six months time to vacate tenanted premises.

5. The counsel for the respondent, on instructions, stated that the respondent is ready to give the six months time to vacate the tenanted premises but the petitioners be directed to pay the rent with the conditions that the petitioners shall not sub-let, assign or part with possession of the tenanted premises and also directed not to make any substantial/material addition or alteration in the tenanted premises.

6. The perusal of impugned order dated 29.01.2024 reflects that it was passed by the trial court on the relevant consideration and after discussing the essential ingredients of section 14(1)(e) of the DRC Act. The impugned order also does not call any interference by this Court.

7. However, the petitioners are given time till 28.02.2025 to vacate the tenanted premises and to hand over the vacant peaceful possession of the tenanted premises back to the respondent. The petitioners are directed not to 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. The petitioners are also directed to file an undertaking in the form of affidavit to the said effect within a period of 02 weeks.



8. The present revision petition along with pending applications, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

JULY 12, 2024

N/AK