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

+ **RC.REV. 147/2024 & CM APPL. 30472/2024**

SAROJ CHAUHAN & ORS.

.....Petitioners

Through: Mr. Deepak Rana, Mr. Binod Kumar
Saw, Mr. Gaurav Rana and
Mr. Surender Gupta, Advocates

versus

ATAUR REHMAN & ANR.

.....Respondents

Through: Mohd. Furqan, Advocate for R-1 & 2
with son of R-2 in person

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

09.09.2024

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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 order dated 08.12.2023 passed by the court of Sh. Sumeet Anand, SCJ-cum-RC (Central), Tis Hazari Courts, Delhi in eviction case bearing RC ARC no. 409/2022.
2. The respondents filed an eviction petition under section 14(1)(e) read with section 25(B) of the Act bearing RC ARC no. 409/2022 titled as **Ataur Rehman and Anr. V Saroj Chauhan and Ors.** against the petitioners in respect of the flat on first floor forming part of property bearing no. 2638, Main Road, Ballimaran, Delhi-110006 consisting of one kitchen-cum-store, latrine and bathroom as shown in red colour in the site plan annexed with the eviction petition (hereinafter referred to as "**the tenanted premises**").
3. The petitioners after service of summons as per the Third Schedule of



the Act, filed an application for leave to defend along with affidavit which was ordered to be dismissed vide the impugned order dated 08.12.2023, as a consequence of which, an eviction order was passed in respect of the tenanted premises in favour of the respondents and against the petitioners. The petitioners being aggrieved, filed the present petition.

4. The perusal of the impugned order dated 08.12.2023 reflects that the trial court has considered all the relevant issues as raised by the parties and passed a reasoned order. There is no ground to interfere with the impugned order dated 08.12.2023 and the same is affirmed.

5. The counsel for the petitioners, on instructions from the petitioner no.2/Atul Kumar Chauhan for himself as well as on behalf of the remaining petitioners, stated that the petitioners are ready to vacate the tenanted premises but they be given time till 31.03.2025 to vacate the tenanted premises and thereafter, the petitioners shall hand over the vacant possession of the tenanted premises back to the respondents.

6. The counsel for the respondents, on instructions from the son of the respondent no. 2, stated that the respondents are ready to give time to the petitioners till 31.03.2025 to vacate the tenanted premises and the respondents shall be accepting the agreed rate of rent w.e.f. October, 2024 till the time the petitioners vacate the tenanted premises. He further stated that the respondent shall not initiate/continue with the execution proceedings in pursuance of the eviction order dated 08.12.2023 till 31.03.2025.

7. In view of the submissions made by the respective counsel for the petitioners and the respondents, the petitioners are granted time till 31.03.2025 to vacate the tenanted premises with the conditions that the 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. The petitioners shall also continue to pay the rent at the agreed rate till the time the petitioners vacate the tenanted premises on or before on the last day of each English calendar month. The petitioners are also directed to clear the electricity and water charges before vacating the tenanted premises.

8. It is made clear that if the petitioner fails to vacate the tenanted premises on or before 31.03.2025, in that eventuality, the respondents shall be at liberty to initiate/continue appropriate legal proceedings including execution proceedings for vacation of the tenanted premises.

9. The petitioners are also directed to file an undertaking in the form of an affidavit to the said effect before this Court within a period of 02 weeks regarding the vacation of the tenanted premises on or before 31.03.2025 and other conditions as agreed.

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

DR. SUDHIR KUMAR JAIN, J

SEPTEMBER 9, 2024

Sk/am