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

+ **RC.REV. 148/2024**

SH. PAWAN KUMAR & ANR.

..... Petitioners

Through: Mr. Arvind Sharma, Mr. Pawan
Kumar and Mr. Madhukant Jha,
Advocates

versus

SH. K.L MALHOTRA

..... Respondent

Through: Mr. Brijesh Kumar Sharma and Ms.
Sheetal Ojha, Advocates

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

21.05.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 30630/2024 (exemption)

1. Allowed, subject to just exceptions.

RC.REV. 148/2024 & CM APPL. 30629/2024 (stay)

2. By way of this petition, the tenant has assailed the eviction order under Section 14(1)(e) of the Delhi Rent Control Act, which was passed since despite service of summons in the prescribed format, the petitioners/tenants opted not to file an application seeking leave to contest but filed an application under Order VII Rule 11 CPC, which application was dismissed.

3. Learned counsel for respondent who appeared on advance notice accepted notice in the pre-lunch session when this matter came up. In the pre-lunch session, after part arguments, learned counsel for petitioners took a pass-over to obtain instructions of his clients.



4. In this post-lunch call, learned counsel for petitioners on instructions of his clients, out of whom petitioner no.1 is present in Court and petitioner no.2 is father of petitioner no.1, seeks permission to withdraw the present petition with liberty to continue to occupy the subject premises till 31.01.2025 subject to payment of use and occupation charges at a rate of Rs. 10,000/- per month payable to the present respondent. The learned counsel for respondent on instructions of his client gives consent to the request of the other side. Petitioner no.1 present in Court undertakes on behalf of both petitioners to vacate the subject premises on or before 31.01.2025 and to pay a sum of Rs. 10,000/- per month to the respondent towards use and occupation charges till possession of the subject premises is handed over.

5. Accordingly, the present petition and pending applications are dismissed as withdrawn with the directions that operation of the impugned eviction order shall remain stayed till 31.01.2025 subject to the petitioners paying to the respondent a sum of Rs. 10,000/- per month towards use and occupation charges with effect from 01.06.2024 till 31.01.2025 and in case the petitioners default in payment of use and occupation charges or do not vacate the subject premises by 31.01.2025, the respondent shall be at liberty to seek execution of the impugned eviction order in accordance with law. The use and occupation charges shall be paid by 01st day of each calendar month and for compliance, learned counsel for respondent shall furnish the bank account particulars of the respondent to counsel for petitioners within three days.

GIRISH KATHPALIA, J

MAY 21, 2024/_{rk}

Click here to check corrigendum, if any