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

+ **RC.REV. 163/2024**

**SH. VIJAY KUMAR & ANR.**

.....Petitioners

Through: Mr. M. S. Bammi, Mr. Nikhil Batra  
and Mr. Lovee Tyagi, Advocates with  
P-1 in person.

versus

**SH. ARPIT SAHU**

.....Respondent

Through: Mr. F. K. Jha and Mr. Gaurav Jha,  
Advocates with Respondent in  
person.

**CORAM:**

**HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN**

**ORDER**

**15.07.2024**

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1. The present revision petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 to impugn the order dated 31.01.2024 passed by the court of Ms. Tista Shah, SCJ-Cum-RC, Central District, Tis Hazari Courts, Delhi whereby an application for leave to defend along with affidavit filed by the petitioner was dismissed and as a consequence of which, the eviction order in respect of one shop situated at Ground Floor, Municipal No. 2058, Ward No. 13, Gali Mahavir Teliwara, Sadar Bazar, Delhi, (hereinafter referred as “**the shop**”) was passed.

2. In brief, the facts of the case are that the respondent had filed an eviction petition under section 14(1)(e) read with section 25B of the Delhi Rent Control Act, 1958, on the ground of *bona fide* requirement in respect of the tenanted premises i.e., the shop. The petitioners, after service of



summons, as per Third Schedule filed an application for leave to defend along with affidavit, which was dismissed vide order dated 31.01.2024 and as consequence thereof, the eviction order was passed in favour of the respondent and against the petitioners.

3. The petitioners being aggrieved by the impugned order dated 31.01.2024, filed the present petition.

4. Mr. F.K. Jha, the counsel for the respondent stated that the impugned order was passed on the basis of material placed on record and after appreciating all the ingredients of section 14 (1)(e) of the Delhi Rent Control Act, 1958.

5. The perusal of the impugned order dated 31.01.2024 reflects that the trial court has considered the basic ingredients of section 14(1)(e) of the Delhi Rent Control Act and passed a reasoned order, which does not call for any interference from this Court.

6. Accordingly, the impugned order dated 31.01.2024 is upheld.

7. The counsel for the petitioners, on taking instructions from the petitioner no. 1, who is present in person for himself and also on behalf of petitioner no. 2, stated that petitioners be given time till 31.01.2025 to evict the tenanted premises and thereafter the petitioners shall handover the peaceful vacant possession of the tenanted premises i.e., the shop to the respondent. He, on instructions, further stated that the petitioners shall not sublet, assign or part with the possession of the tenanted premises and shall not make any substantial addition or alteration in the tenanted premises. He further submits that the petitioner is ready to pay Rs.5,000/- per month as use and occupation charges to the respondent.

8. The counsel for the respondent, on instructions, stated that the



respondent has no objection if the petitioners are given time to evict the tenanted premises till 31.01.2025 on the terms and conditions as mentioned hereinabove. He further submitted that the respondent shall not initiate the execution proceedings till 31.01.2025.

9. In view of the above submissions made by counsel for the petitioners as well as the counsel for the respondent, petitioners are given time to evict the tenanted premises i.e., the shop till 31.01.2025, subject to the condition that they shall pay use and occupation charges @ Rs.5000/- per month excluding water and electricity charges to the respondent commencing from July, 2024 till the vacation of the tenanted premises, which shall be payable on or before 15<sup>th</sup> day of each English calendar month. The petitioners are also directed not to sublet, assign or part with the possession of the tenanted premises i.e. the shop or any part thereof to any third person and also not to make any substantial addition or alteration in the tenanted premises. The petitioners are also directed to file an undertaking in view of the above terms and conditions in the form of an affidavit before this Court within 02 weeks from today.

10. The petition stands disposed of in the aforesaid terms.

**DR. SUDHIR KUMAR JAIN, J**

**JULY 15, 2024**

*p/HVK*