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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 176/2024 & CM APPL. 37789/2024, CM APPL.
37790/2024 (exemption)

M/S. RAGHUNATH PAKODIWALAPetitioner

Through: Mr. Ravi Sharma & Mr. Avinash,
Advocates

versus

SUNITA GUPTARespondent

Through: Mr. A. Mehta, Advocate

CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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09.07.2024

1. The present revision petition is filed under section 25-B(8) of Delhi Rent Control Act, 1958 to set aside the order dated 04.12.2023 passed by Ms. Pragati, ARC-01, Central District, Tis Hazari Courts, Delhi in eviction petition no. RC ARC333/2022, titled as **Sunita Gupta V M/s Raghunath Pakodiwala** whereby the leave to defend preferred by the petitioner was ordered to be dismissed.

2. The factual background as appearing from the record in respect of the Atul Kumar Gupta/husband of the respondent was the owner and the landlord of the tenanted premises, i.e. one shop bearing no. 1462, Fountain Chowk, Chandni Chowk, Delhi admeasuring 4-6" by 4-9" (as shown in red colour in site plan) annexed with the petition and after the demise of Atul Kumar Gupta, the respondent along with other legal heirs became the co-



owner and co-landlord. Thereafter, the other legal heirs executed a registered relinquishment deed dated 04.07.2022 in favour of the respondent and as such the respondent has become the sole and absolute owner of the tenanted premises.

3. The respondent filed the eviction petition under section 14(1)(e) of the Rent Control Act, 1958 against the petitioner for eviction of the tenanted premises.

4. The respondent pleaded that the elder son Ankit Gupta who is employed with H. T. Media Ltd. is not able to look after the respondent and her younger son, namely, Ankur Gupta who is employed with Infosys since the year 2011 and is based in Chandigarh and is intended to settle in Delhi and look after the respondent. The respondent also pleaded that she does not have any other alternate accommodation.

5. The petitioner filed an application for grant of leave to defend which was ordered to be dismissed vide impugned order dated 04.12.2023.

6. The perusal of the impugned order reflects that the trial court while passing the impugned order dated 04.12.2023 has considered the various ingredients of section 14(1)(e) of DRC Act and accordingly passed the reasoned judgment which does not call any interference. Accordingly, the present petition is devoid of any merit.

7. The counsel for the petitioner on instruction stated that the petitioner be given time upto 31.12.2024 to vacate the tenanted premises to which the counsel for the respondent on instructions stated that the respondent does not have any objection, if the petitioner is granted time upto 31.12.2024 for vacating the tenanted premises. He further stated the respondent shall not be initiating any execution proceedings for the vacation of the tenanted



premises upto 31.12.2024.

8. Accordingly, in view of the submissions made by the respective counsel for the petitioner and the respondent, the petitioner is granted time upto 31.12.2024 to vacate the tenanted premises and thereafter to handover the vacant peaceful possession of the tenanted shop to the respondent.

9. It is also directed to the petitioner that the petitioner shall not sublet, assign or part with the possession of the tenanted premises and shall not also make any material addition or alteration in the tenanted premises.

10. The counsel for the petitioner also stated that the petitioner shall be paying the rent on the agreed rent @ Rs.405/- + tax to the respondent without any default.

11. The petitioner is also directed to furnish an undertaking in the form of the affidavit within 07 days from today as detailed hereinabove.

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

13. A copy of this order be sent to the trial court for information and compliance.

DR. SUDHIR KUMAR JAIN, J

JULY 9, 2024/j/hvk