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

+ **RC.REV. 185/2024 & CM APPL. 39224/2024**

WALI MOHD ALIAS MOHD. MUNNAPetitioner

Through: Mohd Anas and Mr. Vijay Verma,
Advocates

versus

NAJUMDDINRespondent

Through: Mohd Furqan, Advocate

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

05.08.2024

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1. The present revision petition is filed under section 25-B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as “**the Act**”) to impugn the order dated 22.01.2024 passed by the court of Ms. Neetu Nagar, JSCC-ASCJ-GJ, South East District, Saket District Courts, Delhi in eviction case bearing RC ARC no. 332/2022 (old no. 110/2022) titled as **Najmuddin V Wali Mohd @ Mohd. Munna**.

2. The respondent filed an eviction petition under section 14(1)(e) read with section 25(B) of the Act bearing RC ARC no. 332/2022 (old no. 110/2022) titled as **Najmuddin V Wali Mohd @ Mohd. Munna** in respect of first floor, second floor and third floor of property/subject property bearing no. 4728 and 4729 situated at Gali Razia Begum, Hauz Qazi, Delhi-110006, (hereinafter referred to as “**the tenanted premises**”) which was originally let out by Mohd Shareef/the predecessor-in-interest of the respondent, for non-residential purpose.



3. The petitioner 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 impugned order dated 22.01.2024. The petitioner being aggrieved filed the present petition.

4. The counsel for the petitioner stated that the petitioner has raised many triable issues before the trial court as there is no landlord and tenant relationship and the respondent is also not the owner of the tenanted premises. The said arguments are opposed by the counsel for the respondent.

5. However, the perusal of the impugned order dated 22.01.2024 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 in the impugned order dated 22.01.2024.

6. The counsel for the petitioner, after taking instructions from the petitioner, stated that the petitioner be granted time till 30.06.2025 to vacate the tenanted premises with the condition that petitioner 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 petitioner shall also continue to pay the agreed rent till the time the petitioner vacates the tenanted premises on or before on the last day of each English calendar month. The petitioner has also undertaken to clear all the electricity and water charges before vacating the tenanted premises. The petitioner is stated to be aged about 75 years.

7. Mohd. Furqan, Advocate for the respondent, on instructions, stated that the respondent does not have any objection if the petitioner is granted time upto 30.06.2025 to vacate the tenanted premises subject to the



8. conditions as mentioned hereinabove. He further stated that the respondent shall not initiate execution proceedings in pursuance of eviction order/impugned order dated 22.01.2024 till 30.06.2025.

9. Accordingly, the petitioner is granted time upto 30.06.2025 to vacate the tenanted premises subject to the condition that he shall not sublet, assign or part with the possession of tenanted premises or any part thereof to any third person and shall not carry out any material addition or alteration in the tenanted premises. The petitioner is further directed to pay the agreed rent till he vacates the tenanted premises on or before the last day of each English calendar month and is also directed to clear water and electricity charges to concerned authority before vacating the tenanted premises.

10. It is made clear that if the petitioner fails to vacate the tenanted premises till 30.06.2025, in that eventuality, the respondent shall be at liberty to initiate appropriate legal proceedings including execution proceedings for vacation of the tenanted premises.

11. The petitioner is 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.

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

DR. SUDHIR KUMAR JAIN, J

AUGUST 5, 2024

sk/ak