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

+ **RC.REV. 665/2019**

ARUN KUMAR SETHI

..... Petitioner

Through: Mr. Sujeet Kumar Mishra, Mr. Pankaj
Balwan and Mr. Utkarsh, Advocates

versus

PURSHOTTAM DAS VERMA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

22.02.2024

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

CM APPL. 50479/2019 (stay)

1. On 22.11.2019, after preliminary hearing, counsel for petitioner submitted that in case some reasonable time to vacate the premises is granted he shall not press the petition, so the predecessor bench issued only limited notice to the extent of grant of reasonable time to vacate. For past few dates none has been appearing on behalf of respondent.
2. As requested, matter is passed over so that learned counsel may obtain instructions over phone as to how much time the petitioner needs to vacate and that time has to be a reasonable time.
3. Be awaited.

GIRISH KATHPALIA, J

FEBRUARY 22, 2024/RV

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5. In this call, Shri Sujeet Kumar Mishra, main counsel for petitioner has appeared.

6. By way of this petition, the tenant has assailed order dated 04.09.2019 of the learned Rent Controller whereby leave to contest the proceedings under Section 14(1)(e) of the Delhi Rent Control Act was declined. As reflected from record, on the very first date i.e., 22.11.2019, the predecessor bench heard learned counsel for petitioner/tenant and passed the following order:

“After some arguments, learned counsel for the petitioner submits that in case some reasonable time to vacate the premises is granted, he shall not press the present petition.

Issue notice to the respondent limited to the question of grant of reasonable time to vacate the premises, returnable on 20.02.2020”

7. Thereafter, on the next date i.e., 20.02.2020 some proxy counsel appeared on behalf of respondent before the predecessor bench, though office report was that the notice had not been served on the respondent. On that day, a person named Amit Verma, introduced as son of the respondent also appeared before the predecessor bench.

8. Thereafter, counsel for respondent appeared only once but the matter could not reach in time before the predecessor bench.

9. On previous four consecutive dates also none has appeared on behalf of respondent.

10. Learned counsel for petitioner initially submitted that the matter be heard on merits, but on being pointed out the specific order dated 22.11.2019, he fairly admitted that according to the same, notice had been issued only to the limited extent of grant of reasonable time to vacate. Admittedly, that order was neither challenged nor any modification in the



same was sought ever since 22.11.2019. As mentioned above, from the side of respondent also none has been appearing. Even court notice was issued to the respondent/landlord but the service report remained awaited.

11. In view of these circumstances, learned counsel for petitioner was asked as to what would be the reasonable period for the petitioner to vacate and he stated that the tenancy being commercial tenancy, a period of three years should be a reasonable period. The petitioner has already enjoyed more than that period after 22.11.2019.

12. Considering the above circumstances, the learned counsel for petitioner submits that he does not press this petition. Accordingly, this petition is disposed of as not pressed, granting the petitioner a further period of six months from today to vacate the subject premises. Ofcourse, in case parties arrive at some settlement under which the respondent allows continuation of the petitioner as tenant or his re-induction into the subject premises as a tenant, this order shall not stand in their way.

GIRISH KATHPALIA, J

FEBRUARY 22, 2024/rk

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