



\$~46

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

+ **RC.REV. 337/2023, CM APPL. 61223/2023 & CM APPL. 61224/2023**

RAMESH CHAND JAIN

.....Petitioner

Through: Mr. Mukul Sharma, Ms. Mitali Dabral, Mr. Satish Kumar and Ms. Anushka Thakur, Advocates with petitioner in person

versus

SUBHASH CHANDER GARG & ORS.

.....Respondents

Through: Mr. Rishabh Gulati, Advocate

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

23.08.2024

%

1. The present revision petition is filed under section 25B of the Delhi Rent Control Act, 1958 (hereinafter referred to as the “Act”) read with section 115 CPC to impugn the order dated 31.07.2023 passed by the court of Ms. Divya Malhotra, ACJ-cum-ARC, North-West District, Rohini Courts, Delhi in eviction petition bearing RC ARC no. 23/2021 titled as **Subhash Chander Garg V Ramesh Chand Jain** whereby the application for leave to defend filed by the petitioner was dismissed.

2. The respondents filed an eviction petition bearing RC ARC no. 23/2021 under section 14(1)(e) read with section 25 B of the Act titled as **Subhash Chander Garg V Ramesh Chand Jain** against the petitioner in respect of one shop at the ground floor of property bearing no. 4476/11, Jai Mata Market, Tri Nagar, Delhi-110035, as shown in red colour in the site



plan annexed with the petition (hereinafter referred to as “**tenanted shop**”). The petitioner after service of summons as per the Third Schedule of the Act, filed an application for leave to defend, which was dismissed vide order dated 31.07.2023, as a consequence of which, an eviction order was passed in respect of the tenanted shop in favour of the respondents. The petitioner being aggrieved, filed the present petition.

3. The perusal of the impugned order dated 31.07.2023 reflects that the trial court has considered all the relevant facts as required under section 14(1)(e) of the Act and the impugned order does not call for any interference from this Court and is accordingly maintained.

4. Mr. Mukul Sharma, Advocate for the petitioner, on instructions from the petitioner who is present in person, stated that the petitioner is ready to vacate the tenanted shop but he prayed that time till 28.02.2025 be given to vacate the tenanted shop.

5. Mr. Rishabh Gulati, Advocate for the respondents, on instructions, stated that the respondents are ready to give time to the petitioner till 28.02.2025 to vacate the tenanted shop but subject to the conditions that the petitioner shall not sublet, assign or part with the possession of tenanted shop or any part thereof and shall not carry out any material addition or alteration in the tenanted shop. The petitioner be also directed to pay the use and occupation charges @ Rs.2,000/- per month commencing from September, 2024 till he vacates the tenanted shop and also to clear the water and electricity charges before handing over the vacant possession of the tenanted shop. He further stated that the respondents shall not initiate execution proceedings in respect of the impugned order dated 31.07.2023 against the petitioner till 28.02.2025.



6. Accordingly, in view of the submissions made hereinabove, the petitioner is given time till 28.02.2025 to vacate the tenanted shop and to hand over the vacant possession of the tenanted shop back to the respondents, subject to the conditions that the petitioner shall not sublet, assign or part with the possession of tenanted shop or any part thereof and shall not carry out any material addition or alteration in the tenanted shop. The petitioner is directed to clear the water and electricity charges before handing over the vacant possession of the tenanted shop. The petitioner is also directed to pay the use and occupation charges @ Rs.2,000/- per month commencing from September, 2024 till he vacates the tenanted shop on or before 15th day of each English calendar month by directly depositing into the bank account of the respondents i.e. A/c No. 685302010005814 operation in Union Bank of India, IFSC Code: UBIN0568358, Branch- Tri Nagar. It is made clear that if the petitioner fails to vacate the tenanted shop on or before 28.02.2025, in that eventuality, the respondents shall be at liberty to initiate appropriate legal proceedings including execution proceedings for recovery of possession of the tenanted shop.

7. The petitioner is also directed to file an undertaking in the form of an affidavit to the above effect within 02 weeks from today.

8. The present petition along with pending applications, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

AUGUST 23, 2024

N/AK