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

+ RC.REV. 219/2024 & CM APPL. 46981/2024 (delay of 87 days in filing the petition, CM APPL. 46982/2024 (for filing additional annexures) CM APPL. 46983/2024 (stay)

MAHMOOD ZAIDI

.....Petitioner

Through: Mr. S. Ahmed Siddiqui, Mr. Rahul Gupta, Advocates

versus

ZAMEER HASAN ZAIDI

.....Respondent

Through: *Appearance not given.*

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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16.08.2024

CM APPL. 46981/2024 (delay of 87 days in filing the petition)

1. The present application is filed under section 5 of the Limitation Act, 1963 read with section 151 CPC, for condonation of delay of 87 days in filing the present revision petition.
2. For the reasons stated in the application, the delay of 87days in filing the present revision petition is condoned.
3. The application stands disposed of.

RC.REV. 219/2024

1. The present revision petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as “**the Act**”) to impugn the order dated 17.02.2024 passed by the court of Ms. Naina Gupta, ACJ-cum-



CCJ-cum-ARC, South East, Saket Courts, Delhi in eviction case bearing RC ARC no. 08/2023 titled as **Zameer Hasan Zaidi V Aziz Zaidi &Anr.**

2. The respondent filed an eviction petition under section 14(1)(e) read with section 25(B) of the Act bearing RC ARC no. 08/2023 titled as **Zameer Hasan Zaidi V Aziz Zaidi &Anr.** in respect of two rooms, mezzazine room, one covered verandah, open courtyard, two kitchen, latrine and bathroom in property bearing no. 155, ground floor, Basti Hazrat Nizamuddin, New Delhi -110013 (hereinafter referred to as “**the tenanted premises**”) which was originally let out by Kishan Chand @ K.C. Jindal/the predecessor-in-interest of the respondent, for residential purpose.

3. The petitioner after service of summons as per the Third Schedule of the Act, filed an application for leave to defend which was ordered to be dismissed vide impugned order dated 17.02.2024. The petitioner being aggrieved filed the present petition.

4. However, the perusal of the impugned order dated 17.02.2024 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 17.02.2024.

5. 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 and the 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. He further stated that the petitioner is aged about 79 years and is suffering from various ailments including the enlargement of Cholelithiasis and Grade I prostatomegaly and the wife of the petitioner is



also a cardiac patient. The petitioner shall also continue to pay the agreed use and occupation charges @ Rs. 5,000/- commencing from August, 2024, till the time the petitioner vacates the tenanted premises on or before 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.

6. The counsel 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 conditions as mentioned hereinabove. He further stated that the respondent shall not initiate execution proceedings in pursuance of eviction order dated 17.02.2024 till 30.06.2025.

7. 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 use and occupation charges @Rs. 5,000/- commencing from August, 2024 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.

8. 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.

9. 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.

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

DR. SUDHIR KUMAR JAIN, J

AUGUST 16, 2024/j/abk/ak