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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 233/2024 & CM APPL. 49826/2024 CM APPL. 49827/2024**

SMT. KRISHNA WANTI

.....Petitioner

Through: Mr. Naveen K. Sharma and
Mr. Shashi Bhushan Nagar,
Advocates with Chandan Prakash
Arora, Son of the Revisionist

versus

SH. ANIL KUMAR GUPTA

.....Respondent

Through: Mr. Rajat Aneja and Ms. Amarjot
Kaur, Advocates with the respondent
in person

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
30.08.2024

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1. The present revision petition has been filed by the petitioner/tenant under Section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter the "DRC Act") impugning the order dated 5th February, 2024 passed by the CCJ cum ARC, Central District, Tis Hazari Courts, Delhi in eviction case bearing E.P. no. 238 of 2020 whereby, the application for leave to defend filed on behalf of the petitioner has been dismissed and in terms of Section 14(7) of the DRC Act, the petitioner has to hand over possession within 6 months.

2. The respondent/landlord filed the aforementioned eviction case under



section 14(1)(e) read with section 25B of the DRC Act against the petitioner in respect of the tenanted premises i.e., one shop window no.1 measuring about 6.3"x1.3" on the Ground Floor in property no.2438, Gali No.10, Beadon Pura, Ajmal Khan Road, Delhi-110005, as shown in red colour in the site plan annexed with the petition (hereinafter the "tenanted premises").

3. 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* impugned order dated 5th February, 2024, as a consequence of which, an eviction order was passed in respect of the tenanted premises.

4. Mr. Naveen K. Sharma, Advocate for the petitioner, on instructions from the son of the petitioner, who is present in court, submits that the petitioner has been running business from the tenanted premises for more than 40 years. Accordingly, he prays for nine months' time to hand over the vacant and peaceful possession of the tenanted premises to the respondent.

5. Mr. Rajat Aneja, Advocate for the respondent, on instructions from the respondent who is present in court, submits that the respondent is agreeable to give time to the petitioner/tenant till 31st May, 2025 to vacate the tenanted premises.

6. Accordingly, with the consent of the of the parties, the present petition is disposed of with the following directions:

- I. The petitioner is given time till 31st May, 2025 to vacate the tenanted premises and to hand over the vacant and peaceful possession of the tenanted premises to the respondent.
- II. The petitioner shall continue to pay the agreed rent till the time he hands over the vacant and peaceful possession of the tenanted premises back to the respondent.



- III. During this period, 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 or alteration in the tenanted premises.
- IV. The petitioner shall clear all water and electricity charges/dues before handing over the vacant possession of the tenanted premises.
- V. The petitioner shall file an undertaking by way of an affidavit within two weeks from today agreeing to comply with the aforesaid terms.
- VI. The aforesaid undertaking shall also bind all legal heirs of the petitioner.
- VII. Subject to the aforesaid, the respondent shall not press the execution proceedings filed by him for recovery of possession.
7. All pending applications shall stand closed.

AMIT BANSAL, J

AUGUST 30, 2024

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