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

+ **RC.REV. 275/2018**

RAKESH KUMAR SHARMA & ANR Petitioners

Through: Mr Adesh Kumar, Adv.

versus

ASHOK KUMAR BHALLA Respondent

Through: Mr Kirti Uppal, Sr. Adv. with Mr
Vijay Singh, Mr Ashwini Kumar, Mr
Purshotam Singh, Mr Shekhar
Kumar, Mr Aditya Raj and Ms
Garima Verma, Adv.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

14.05.2024

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

CM APPL. 24370/2018 (stay)

1. The petitioner/tenant has assailed denial of leave to contest the proceedings under Section 14(1)(e) for the Delhi Rent Control Act. The only ground urged during arguments today is that in paragraph 18(V) of the eviction petition (*pdf page78*) the present respondent falsely pleaded that two halls on the first floor above the subject premises had been let out to other tenants, though according to the petitioner, those halls were lying vacant and were let out subsequently. The subject premises are admittedly on ground floor and the requirement projected is that the respondent wants his son to run a Cyber Café there.

2. After addressing partly, learned counsel for petitioner seeks pass over to discuss with his client who is present in the court room as to whether he



wants reasonable time to vacate the subject premises. As requested, be awaited.

GIRISH KATHPALIA, J

MAY 14, 2024/ry

3. In this call, it is submitted by both sides that they have arrived at a settlement whereby it is agreed that the petitioner/tenant shall vacate the subject premises on or before 31.01.2025 and till then he shall be protected from eviction. The petitioner also undertakes to continue to pay till the date of vacation the use and occupation charges at a rate of Rs.17,000/- per month to the respondent. In view of this settlement, learned counsel for petitioner seeks permission to withdraw this petition on instructions of his client present in the court room. I have spoken with the petitioner in Hindi and he affirms this settlement.

4. Accordingly, the petition as well as pending applications are dismissed as withdrawn with directions that the petitioner shall vacate the subject premises on or before 31.01.2025 and till that day, operation of the impugned eviction order shall remain stayed subject to the petitioner continuing to pay use and occupation charges at a rate of Rs.17,000/- per month to the respondent, but if the petitioner does not vacate the subject premises by 31.01.2025 or commits default in payment of use and occupation charges, the respondent shall be at liberty to get the impugned order executed in accordance with law.

GIRISH KATHPALIA, J

MAY 14, 2024/ry

Click here to check corrigendum, if any