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

+ RC.REV. 363/2018 & CM APPL. 37052/2024 (for withdrawal of revision petition)

ISHWAR PRASAD

.....Petitioner

Through: Mr. Prem Chhetri, Advocate

versus

M/S INDIRA LODGING PVT LTD

.....Respondent

Through: Mr. Ankit Goel, Director

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% **05.07.2024**

1. The present revision petition is filed under section 25-B(8) of the Delhi Rent Control Act, 1958 to challenge the impugned order dated 31.01.2018 passed by the court of Mr. Shirish Aggarwal, Additional Rent Controller-1, Central District, Tis Hazari Courts, Delhi whereby the application for grant of leave to defend in eviction petition bearing no. E-842/2014 titled as **M/s Indira Lodging Pvt. Ltd. V Ishwar Prasad** was dismissed as a consequence of which, the eviction order was passed in favour of the respondent in respect of the tenanted premises i.e. one room situated on the first floor (without roof rights) forming part of the premises bearing no. 8504, Plot No. 39, Arakashan Road, Paharganj, Delhi.

2. The counsel for the petitioner on being instructed by the petitioner, stated that the petitioner and the respondent through Mr. Ankit Goel, who is the Director of the respondent company have settled their disputes and out of the settlement, the petitioner has already handed over the vacant



possession of the tenanted premises to the respondent. The counsel for the petitioner further stated that the petitioner in compliance of the order dated 26.04.2024 has deposited the use and occupation charges calculated at Rs.80,000/- in pursuance of order dated 10.10.2019 by way of demand draft before the Registrar General of this Court. It is further stated that as per the settlement, the said amount is liable to be refunded back to the petitioner.

3. Mr. Ankit Goel, Director of the respondent stated that he does not have any objection if the said amount is refunded back to the petitioner.

4. Accordingly, the Registry is directed to refund back the amount so deposited by the petitioner as use and occupation charges in terms of order dated 10.10.2019 and also mentioned in the order dated 26.04.2024 within a period of 04 weeks from today.

5. The counsel for the petitioner stated that as the matter is amicably settled and the petitioner has handed over the vacant possession of the tenanted premises to the respondent, as such the application bearing no. 37052/2024 for withdrawal of the present petition be allowed to which Mr. Ankit Goel, Director of the respondent company does not have any objection.

6. Accordingly, the present petition along with pending application, stands dismissed as withdrawn.

7. The next date of hearing i.e. 22.08.2024, stands cancelled.

DR. SUDHIR KUMAR JAIN, J

JULY 5, 2024

N/AK