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

+ **RC.REV. 464/2018, CM APPL. 39095/2018, CM APPL. 60547/2023
& CM APPL. 60691/2023**

SANJAY KUMAR JAIN & ANR

.....Petitioners

Through: **Mr. Rambhakt Agrawal, Advocate
with P-1 in person**

versus

MADAN PAL SINGH

.....Respondent

Through: **Mr. Sushant Mukund, Advocate**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

15.07.2024

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1. The present writ petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as the “**DRC Act**”) to impugn the eviction order dated 03.04.2018 passed by the court of Mr. Sudhir Kumar Sirohi, ACJ/CCJ/ARC, Shahdara, Karkardooma Courts, Delhi whereby the application for leave to defend filed by the petitioners was dismissed, as a consequence of which, the eviction order in respect of the tenanted premises i.e. a shop no. 5 situated on the ground floor bearing no. 4/1956, Gali No. 14, Pandav Road, Bolanath Nagar, Shahdara, Delhi-110032 (hereinafter referred to as the “**tenanted premises**”), was passed as per the provisions of section 14(1)(e) read with section 25B of the DRC Act.
2. The respondent filed an eviction petition bearing ARC no. 1256/2016, against the petitioners/tenants as per section 14(1)(e) read with section 25(B) of the DRC Act on the ground that the tenanted premises was let out to the



petitioners for commercial purpose and after service of summons as per the Third Schedule of the DRC Act, the petitioners filed an application for leave to defend, which was ordered to be dismissed vide order dated 03.04.2018, as a consequence of which, the eviction order in respect of the tenanted premises was passed. The petitioners being aggrieved, filed the present petition.

3. The counsel for the petitioners argued that the impugned order was not passed on the basis of material evidence on record and the trial court has committed grave error in passing the impugned order.

4. However, the perusal of impugned order reflects that it was passed after appropriate appreciation of the material on record and the trial court has passed reasoned order and also satisfied itself about the basic ingredients of section 14(1)(e) of the DRC Act. The impugned order also does not call any interference by this Court.

5. The counsel for the petitioners, on instructions from the petitioner no.1 for himself as well as on behalf of the petitioner no. 2/Samyak Kumar Jain stated that the petitioners are not challenging the impugned order dated 03.04.2018 but they be given time till 31.12.2024 to vacate the tenanted premises.

6. The counsel for the respondent, on instructions, stated that the respondent is ready to give time to vacate the tenanted premises till 31.12.2024 but the petitioners be directed to pay the rent @ 645/- per month from July, 2024 till the time they vacate the tenanted premises with the conditions that the petitioners shall not sub-let, assign or part with possession of the tenanted premises and also to not make any substantial/material addition or alteration in the tenanted premises.



7. The petitioners are given time to vacate the tenanted premises till 31.12.2024 and to hand over the vacant peaceful possession of the tenanted premises back to the respondent. The petitioners are directed not to sub-let, assign or part with the possession of the tenanted premises and shall not make any addition or alteration in the tenanted premises. The petitioners are also directed to pay the rent from July, 2024 till the vacation of the tenanted premises which shall be payable on 15th day of each calendar month. The petitioners shall also file an undertaking in the form of affidavit to the said effect within a period of 02 weeks from today.

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

DR. SUDHIR KUMAR JAIN, J

JULY 15, 2024

N/ABK