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

+ **RC.REV. 327/2017 & CM APPL. 25467/2017**

SOM NATH ALIAS SOM DUTTPetitioner

Through: Mr. Yadunandan Bansal, Advocate

versus

SHANTI DEVI

.....Respondent

Through: Mr. Puneet Yadav and Mr. Vasu Dev,
Advocates

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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26.07.2024

1. The present revision petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 to impugn the order dated 03.05.2017 passed by the court of Sh. Sushil Anuj Tyagi, ACJ/CCJ/ARC, South West District, Dwarka Courts, New Delhi in Eviction Petition bearing no. 09/10 titled as **Smt Shanti Devi V Som Nath @ Som Dutt**.

2. The respondents filed an eviction petition under section 14(1)(e) read with section 25(B) of the Delhi Rent Control Act, 1958 bearing no. 09/10 titled as **Smt Shanti Devi V Som Nath @ Som Dutt** in respect of one shop bearing private no. A, measuring 19.5 ft x 11.5ft situated on the ground floor of the property bearing no. 1663/B Chhawla Bus stand, Najafgarh, New Delhi.

3. The petitioner after service of summons as per third schedule, filed an application for leave to defend along with affidavit which was ordered to be



dismissed vide impugned order dated 03.05.2017. The Petitioner being aggrieved, filed the present petition.

4. The counsel for the petitioner stated that the petitioner has raised many triable issues before the trial court as there is no landlord and tenant relationship and the respondents are also not the owners of the suit property. The said arguments are opposed by the counsel for the respondents.

5. The perusal of the impugned order dated 03.05.2017 reflects that the trial court has considered all the relevant issues as raised by the parties and thereafter, passed a reasoned order. There is no ground to interfere in the impugned order dated 03.05.2017.

6. The counsel for the petitioner after taking instructions from the petitioner, stated that the petitioner be granted time till 31.03.2025 to vacate the tenanted premises with the condition that 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. The petitioner shall also continue to pay the agreed rent commencing from July, 2024 till the time the petitioner vacates the tenanted premises on or before on the last day of each English calendar month. The petitioner has also undertaken clear all the electricity and water charges before vacating the tenanted premises.

7. Mr. Anupam Gupta, Advocate for the respondent on instructions, stated that the respondent does not have any objection if the petitioner is granted time upto 31.03.2025 to vacate the tenanted premises subject to the conditions as mentioned hereinabove. The respondent shall not initiate execution proceedings in pursuance of eviction order dated 03.05.2017 till 31.03.2025.



8. Accordingly, the petitioner is granted time upto 31.03.2025 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 and the petitioner is further directed to pay the agreed rent 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. It is also made clear that if the petitioner fails to vacate the tenanted premises till 31.03.2025, 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

JULY 26, 2024

Sk/abk



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